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JOURNAL

JOURNAL OF THE SENATE

OF THE

SENATE OF WISCONSIN.

ANNUAL SESSION, A. D. 1858.

WITH AN APPENDIX.

BY AUTHORITY.

[Madison,] Wis.
ATWOOD & RUBLEE, STATE PRINTERS.
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JOURNAL OF THE SENATE.

WEDNESDAY, January 13, 1858, }
12 o'clock, M. }

Senate assembled.

Lieut. Governor in the Chair.

Roll of Senators called.

Messrs. Cook and Schulteis absent.

Names of Senators elect called.

Messrs. Maxon, Walsh, McClelland, Worthington, Boyd, Virgin, Bennett, Pier, Smith, Warren, Proudfit, Mears and Tucker, answered to their names and subscribed the oath of office.

From the 14th District, Messrs. Butler and Chappel appeared as contestants.

Mr. Clark presented the certificate of election of Wm. T. Butler from the 14th District.

Mr. Kingston presented the certificate of election of Wm. Chappel from the 14th District.

Mr. Wheeler moved to refer the matter of the contested seat from the 14th District to the Senators from Dodge and Jefferson.

Mr. Hanchett moved to amend by referring to a committee appointed by the President.

Mr. Bean moved to amend the amendment, so as to declare Wm. T. Butler entitled to the seat from the 14th District.

Mr. Sutherland moved to lay upon the table.

Which was agreed to.

On motion of Mr. Wheeler,

Resolved, That the rules of the Senate, adopted at the last session, be adopted as the rules of the present session, until otherwise ordered.

On motion of Mr. Giles,

Adjourned to 10 o'clock to-morrow.

THURSDAY, Jan 14th, }
10 o'clock A. M. }

Senate met pursuant to adjournment.

Lient. Governor in the Chair.

Roll of Senators called.

Messrs. Bean, Davis, McClellan, Proudfit, Smith and

Worthington absent.

Journal of yesterday read and approved.

Mr. Tucker presented credentials of Hon. Morgan L. Martin, Senator elect from the 2d district, who subscribed the oath of office and took his seat.

On motion of Mr. Giles,

The Senate proceeded to the election of Chief Clerk.

Senators Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Pier, Smith

Sutherland, Virgin, Warren, Wheeler and Worthington voted for John L. V. Thomas.

Messrs. Clark, Cook, Greulich, Martin, Maxon, Mears, Schulteis, Simpson, Tucker and Welch, voted for P. M. McNally.

Mr. Thomas was declared elected.

On motion of Sen. Wheeler,

The Senate went into the election of Seargeant-at Arms.

Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington, voted for N. L. Stout.

Messrs. Clark, Cook, Greulich, Maxon, Mears, Schulteis, Simpson, Tucker and Welch, voted for J. M. Jefferson.

Sen. Kimball voted for J. A. Hadley.

A. L. Stout was declared elected Sergeant-at-Arms.

Mr. Sutherland moved that the Standing Committees of the Senate be constituted as follows:

1st—*On the Judiciary*—Senators Chase, Wheeler, Simpson Hanchett and Martin.

2—*On Finance*—Senators Bennett, Warren, Proudfit.

3—*On Education, School and University Lands*—Senators Sutherland, Cook, Smith.

4—*On Incorporations*—Senators Kimball, Clark, Boyd.

5—*On Claims*—Senators Pier, Tucker, Worthington.

6—*On Internal Improvements*—Senators McClellan, Maxon, Kingston.

7—*On Roads, Bridges and Ferries*—Senators Simpson, Joiner Shulties.

8—*On Town and County Organizations*—Senators Bean Virgin, Mears.

9—*On Militia*—Senators Walsh, Boyd, Chase.

10—*On Privileges and Elections*—Senators Clark, Bennet, Kimball.

11—*On Agriculture and Manufactures*—Senators Joiner, Maxon, Worthington.

12—*On Expiration and Re-enactment of Laws*—Senators Cook, Schulteis and Wheeler.

13—*On Legislative Expenditures*—Senators Giles, Martin, Virgin.

14—*On State Affairs*—Senators Davis, Proudfit, Bean.

15—*On Public Printing*—Senators Boyd, Greulich, Sutherland.

16—*On Banks and Banking*—Senators Worthington, Cook, Giles.

17—*On Engrossed Bills*—Senators Warren, Mears, Kimball.

18—*On Contingent Expenditures*—Senators Virgin, Maxon, Giles.

- 19—*On Public Lands*—Senators Kingston, Simpson, Chase,
20—*On Enrolled Bills*—Senators Smith, Tucker, Warren.
21—*On State Prison*—Senators Hanchett, Schulteis, Smith.
22—*On Rail Roads*—Senators Wheeler, Davis, Mears,
Sutherland, Walsh.

Mr. Giles moved to amend by adding Senator Davis as a member of the Joint Committee of Investigation.

Which was agreed to, and the motion of Mr. Sutherland was adopted.

Mr. Wheeler, on leave, offered the following joint resolution :

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two from the Senate and three from the Assembly, be appointed to wait upon his Excellency the Governor, and inform him that the Legislature is organized, and ready to receive any communication he may desire to make.

On motion of Mr. Giles,

Resolved, That the Chief Clerk be directed to inform the Assembly that the Senate is now organized, and ready to proceed to business.

Mr. Sutherland moved to take up from the table the matter of the contested seat from the 14th district,

Which was agreed to.

On motion of Mr. Sutherland,

Referred to the Committee on Privileges and Elections.

Mr. Greulich introduced the memorial of Byron Kilbourne, as follows :

To the Honorable, the Senate and Assembly of the State of Wisconsin :

The memorial of the undersigned, a citizen of said State, respectfully represents, that for a number of years he has had the design of establishing an institution of learning, in the higher branches, for the benefit of those whose conditions in life would debar them the benefits of a liberal education. I believe it to be physiologically true, that there is as much

native talent among the children of the poorer classes, as among those of the rich, and perhaps more; and whatever tends to the elevation of those classes by fostering and developing the talents with which they are endowed, must tend vastly to benefit the whole community by infusing into it as an active principle in its organization, a larger intellectual element.

To promote and insure the accomplishment of this design, I have for several years past, had the following provision incorporated in my will, viz :

"*Seventh.* The residue of my estate real and personal, in Milwaukee County, shall vest in the City of Milwaukee in trust for the following purposes, and to be used and disposed of in the following manner, and none other (except as herein before provided,) that is to say : The Common Council shall appoint four Trustees whose terms of service shall be respectively one, two, three, and four years, and at the expiration of their several terms, they shall be reappointed or others appointed in their stead for the term of four years, and so on, so that a perpetual board shall be instituted and maintained by the appointment of one member each year, whose term of service shall be four years ; except in case of vacancy, when the appointment shall be for the unexpired term. The Common Council by a vote of two-thirds of its members may remove any of said Trustees at any time. Said Trustees shall have power, under the supervision, control, direction and regulations of the Common Council, to take, have, and manage the said residue of the property, monies, and effects belonging to my estate in Milwaukee county, and apply and use the same for the purpose of erecting on lot eighty-four, of sub-division of lots or fractions two and three, of section twenty-one, town seven, and range twenty-two, containing about fifteen acres, in the sixth ward of the City of Milwaukee, and for the endowment of an University or Institution, for the education of boys of merit, the sons of poor parents, preference being given to orphans

"and those in the most destitute circumstances. The building for such Institution to be situated on the eminence in the north part of said lot and to be called and known by the name of 'Kilbourn University,' and to be of such dimensions and plan as shall be commensurate with the fund at the disposal of said Trustees, and as shall be projected hereafter by myself, or if I should not leave a plan, then to be of such plan as shall be projected by said Trustees, with the sanction and approval of the Common Council. The net income of said property and of the proceeds thereof to be applied to the erection of said buildings and the maintenance of said Institution, without expending any part of the principal. The south part of said lot shall be set off for a public ground, of such extent as shall be determined by said Trustees, and no part of said lot eighty-four, above the railroad, shall ever be sold or diverted to private use, or to any other purpose than above specified; the public ground on the south part of said lot to remain forever an open space, without being occupied by any building whatever, either public or private, but may be enclosed, and ornamented with trees and otherwise, according to the taste of said Trustees, or of the city authorities. To provide means for establishing and maintaining said University, the said Trustees under regulations as aforesaid, shall have power to sell and dispose of all my real and personal estate in the County of Milwaukee, at any time they may think expedient, and for the best price that can be obtained, except my family residence, at the corner of Spring and Fourth streets, in the fourth ward, which shall never be sold, but with the ground attached shall be perpetually kept and held by the city, and improved and rented to the best advantage, by said Trustees, and all rents accruing therefrom shall be a fund devoted annually to the purchase and distribution of fuel and other relief to the poor of the city, and for that purpose said Trustees shall annually place all funds arising from said

"rents, into the hands of some one or more of the charitable societies or associations conducted and managed by the ladies of Milwaukee, to be disposed of for the purpose aforesaid, in such manner as to said society or societies shall seem expedient."

Such are the provisions which I had made for the future; but the existing circumstances are such, that I am desirous of doing something for the furtherance of this work while life with its energies still remains, and of entering to some extent upon the execution of the design which I had thus provided for and referred wholly to the future; and to that end I respectfully request your honorable bodies to pass an enabling act granting corporate powers and a suitable organization for that purpose.

The tract of land above described will afford a beautiful site for such an institution, and has been specially reserved by me for that purpose. It is perhaps the most elevated ground in the city, which it overlooks in its extreme length from north to south and gives a fine view of Lake Michigan in the distance. This site would probably be valued at this time at some thirty thousand dollars as city property, but it is of such peculiar fitness for the location of an institution of the kind mentioned, that it ought not to be devoted to the common uses of lots and streets.

In case of the passage of such an act by your honorable bodies, I propose to convey this property to the corporation authorized to carry out the design above set forth; and devote to its uses within the space of a few years a fund of such amount that the income from it, carefully managed, will forever maintain the institution in a high and respectable rank; and thus I indulge the cheering hope that in ages yet to come, and periods beyond the scope of our limited vision, far away in the distant future, when centuries upon centuries shall have passed and buried the present generations, in forgetfulness and oblivion, this Institution, firm as the solid hill on which it may be founded, will remain in all its usefulness, shedding

light and knowledge upon the mental world, and conferring blessings inestimable upon the children of the poor and humble, lending them encouragement to rise above the difficulties of position in which the circumstance of birth may have placed them, and teach them to become the ornaments of society.

The design is to educate, free of cost, boys of merit and good intdllect, the sons of poor parents, and more especially those whose parents are deceased, to be selected not only from the city and county of Milwaukee, but from the State at large, by the joint advice and concurrence of the Trustees and Faculty, without respect to religious creeds; and that it be adapted to every stage of advancement in the pupil, from the commencement of the academic to the completion of the collegiate course, receiving those who have only the rudiments of learning at the common schools. Such an institution it is believed would be highly beneficial to community, by elevating a large class of persons who could not otherwise rise in the scale of humanity, equal to their talents and deserts, and who in return, would aid in the elevation of the public mind, and the support of our institutions.

I, therefore, respectfully pray your honorable bodies to grant the corporate powers necessary to cary into effect the proposed undertaking.

BYRON KILBOURN.

MILWAUKEE, January 13th, 1858.

Which was referred to the committee on Education and School and University Lands.

Mr. Giles offered the following resolution:

Resolved, That the committee be instructed to ascertain if the objects set forth in the memorial are provided for in the General Statutes, and if so provided for, to report against the prayer of memorialist.

Mr. Giles moved that the rules be suspended for the consideration of said resolution.

Which was not agreed to.

The ayes and noes having been previously demanded, were as follows:

Ayes—Messrs. Bennett, Boyd, Clark, Davis, Giles, Greulich, Joiner, Kingston, Martin, Proudfit, Sutherland, Tucker, Warren and Worthington—14.

Noes—Messrs. Bean, Chase, Cook, Hanchett, Kimball, McClellan, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Virgin, Walsh and Wheeler—15.

Mr. Giles offered the following joint resolution:

Resolved, by the Senate, the Assembly concurring, That neither House will act upon any business that may now by law be acted upon by the Boards of Supervisors of the counties, or by any of the courts of the State, or that is provided for by any general laws.

Mr. Davis moved that a committee of three be appointed to revise the rules of the Senate, and that the committee be empowered to order the printing of two hundred copies of the same.

The President appointed Senators Davis, Cook and Bennett.

Mr. Cook gave the following notice:

That at an early day during this session, I will ask leave to introduce a bill for An Act to be entitled an act for the protection of the people against the money power.

Also,

For a bill for An Act to be entitled an act to amend section 43 of the Banking Law of this State, approved, 1852.

Mr. Greulich on leave introduced No. 1, S., a bill to amend an act entitled An act to authorize the extension of time for the collection of taxes in certain cases, Approved March 1st, 1856.

Which was read the first and second time and referred to the committee on Judiciary.

Mr. Thomas, Chief Clerk elect, filed his bond and took the oath of office.

The Chief Clerk announced the appointment of S. H. Lee as Assistant, who took the oath of office.

Mr. A. L. Stout, Sergeant-at-Arms elect, took the oath of office.

Mr. Chase presented the following resolution:

Resolved—That the Superintendent of Public Property is hereby authorized to furnish the Assistant Clerk of Senate, and the Assistant Sergeant-at-Arms of the Senate, with the usual complement of stationary.

The rules were suspended and said resolution adopted.

The ayes and noes being called, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Clellan, Martin, Mears, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Noes—Messrs. Maxon, Pier, Schulteis—3.

Mr. Wheeler offered the following resolution:

Resolved, That the Chief Clerk of the Senate be directed to furnish the Post Master, at Madison, with the names of Senators, and that the postage on all printed matter sent and received by members of the Senate be by him charged to the State.

The rules were suspended by the ayes and noes as follows:

Ayes—Messrs. Bennet, Boyd, Chase, Clark, Cook, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Mears, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—22.

Noes.—Messrs. Bean, Giles, Martin, Maxon, Pier, Schulteis—5.

The resolution was adopted.

Mr. Bean offered the following resolution:

Resolved, That in case the Committee on the Judiciary shall find that the general statutes do not provide for the chartering of such institutions as are asked for in the memorial of Hon. Byron Kilbourn, they be instructed to report one at an early day.

Mr. Wheeler offered the following joint resolution:

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property be directed to furnish to each member of the Senate and Assembly, ten copies of the general laws of last session, and one copy each of the private laws and journals of the same session.

The rules were suspended and the resolution considered.

Mr. Simpson moved to strike out ten and insert five.

Mr. Bennett moved that the Senate take a recess till 4 o'clock, P. M.

On motion of Mr. Clark,
Senate adjourned.

SENATE CHAMBER, JAN. 15, 1858,
10 O'CLOCK, A. M.;

Senate met pursuant to adjournment.

Lient. Governor in the Chair.

Roll of Senators called.

Senator Warren absent.

Journal of yesterday read and corrected.

Message from the Assembly, by L. H. D. Crane, Chief Clerk.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed the following resolution:

No. 3, A., *Resolved*, That the Chief Clerk inform the Senate that the Assembly is now organized and ready to proceed to business.

I am further directed to inform you that the Assembly have passed the following Joint Resolutions:

No. 1. A., *Resolved, by the Assembly, the Senate concurring*, That the Superintendent of Public Property be directed to

furnish the members of the two Houses with copies of the Journals and Laws of the last session of the legislature.

No. 2, A., *Resolved, by the Assembly, the Senate concurring,* That the Joint Rules of the last Senate and Assembly be adopted as the Joint Rules of the two Houses, until otherwise ordered.

In which the concurrence of the Senate is requested.

Senator Worthington presented the petition of citizens of the town of Lisbon, to authorize Margaret Muir to convey certain lands to a Cemetery Association, which was referred to Committee on Judiciary.

Sen. Giles presented the account of T. A. Bovee.

Referred to Committee on Claims.

Sen. Greulich presented the account of H. L. Page.

Referred to Committee on Claims.

Sen. Kingston presented the memorial of the Board of Supervisors of Juneau County.

Referred to Committee on Judiciary.

Sen. Clark presented the account of Sheriff Edwards, of Manitowoc county.

Referred to Committee on Claims.

The following joint resolution was then taken up:

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two from the Senate and three from the Assembly, be appointed to wait upon his Excellency the Governor, and inform him that the Legislature is organized, and ready to receive any communication he may desire to make.

Senator Wheeler moved to amend by adding

And that such committee be also directed to invite the Judges of the Supreme Court to be present during the delivery of the message of the Governor.

Which was adopted.

Messrs. Wheeler and Cook were appointed such committee on behalf of the Senate.

The following Joint Resolution was then taken up:

Resolved, by the Senate, Assembly concurring, That neither House will act upon any business that may now by law be acted upon by the Boards of Supervisors of the counties, or by any of the courts of the State, or that is provided for by any general laws.

And adopted.

The following resolution was then taken up :

Resolved, That the committee be instructed to ascertain if the objects set forth in the memorial are provided for in the General Statutes, and if so provided for, to report against the prayer of memorialist.

On motion of Mr. Sutherland laid on the table.

Senator Sutherland introduced the following resolution :

Resolved, That the Attorney General be requested to communicate to the Senate, whether, in his opinion, the Constitution of the State requires an amendment to the Banking Law, to be first approved by the legal voters of the State to become a law.

Senator Boyd on leave introduced

No. 2 S. A bill to change the time for holding the terms of the Circuit Court for Walworth.

Which was read the first and second time and referred to the committee on Judiciary.

Senator Davis on leave introduced

No. 3 S. A bill to provide for the auditing and payment of the postage of the members and officers of the Legislature and State officers;

Read the first and second time and referred to the committee on Legislative expenditures.

No. 4 S. A bill to change the time for holding the Circuit Courts in the counties of Columbia and Jefferson in the Ninth Judicial Circuit.

Read first and second time and referred to committee on Judiciary.

Message from the Assembly.

MR. PRESIDENT :

I am directed to inform you that the Assembly have considered and adopted Joint Resolution No 1 of the Senate, with the following amendment :

"Strike out all after the word 'make,' in the 11th line, and insert in lieu thereof,

"And that such committee be directed to invite the State officers to be present during the delivery of the Message."

The amendment of the Assembly to said Joint Resolution was concurred in.

Senator Chase on leave introduced No. 5, S., A bill to enable executors and administrators of other States to prosecute actions in this State.

Read first and second time and referred to committee on Judiciary.

Senator Bennett from select committee presented the following report :

Amend.

Rule 16. Strike out the word "leave," and insert the word "intention."

27. Amend by adding, "on leave of the Senate."

28. Strike out the last clause of the rule, and insert after the word "commit," "to strike out the enacting clause."

29. Add after the word "order," the words, "except as limited by the thirtieth rule," and after the word "table," add "to take from the table, and to take a recess."

30. Add, after the word "Senate," in that clause of the rule preceding the last one, "and a motion to adjourn, shall each be once in order."

32. Strike out the words, "a motion to strike out and insert shall be deemed indivisible."

38. Insert after the word, "leave," the words, "after one day's previous notice."

43. Strike out the rule.

Which was laid on the table.

Message from the Assembly, by the Chief Clerk.

MR. PRESIDENT:

I am directed to inform you that the Assembly have received the concurrence of the Senate to the joint resolution "A" of the Senate, as amended, and that the Speaker thereof appointed Messrs. Knowlson, Earnest and Duchman, as the committee on the part of the Assembly, as therein required.

Senator Greulich, on leave, introduced

No. 7, S., A. bill to amend chapter 59 of the Revised Statutes, which was

Read a first and second time, and

Referred to committee on Judiciary.

Senator Wheeler, from select committee to wait on the Governor, reported that the Governor would deliver his Message at half past eleven o'clock, this day.

Senator Chase introduced the following resolution:

Resolved by the Senate, the Assembly concurring, That the two Houses will meet in joint convention at 11 1-2 o'clock this day, in the Assembly Chamber, for the purpose of listening to the reading of the Governor's message.

Rules suspended, and

Resolution adopted.

Message from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly have concurred in joint resolution No. 2, of the Senate, relating to a joint convention.

On motion of Senator Bean,

Senate took a recess till half-past 11 o'clock.

HALF-PAST ELEVEN, P. M.

Senate called to order.

Message from Assembly.

MR. PRESIDENT :

I am directed to inform you that the Assembly is in readiness to receive the Senate.

On motion of Senator Bennett,

The Senate proceeded to Assembly Chamber and heard the Governor's Message.

PROCEEDINGS OF THE JOINT CONVENTION.

The Convention was called to order by the Lieut. Governor.

On motion,

A committee of three was appointed to wait upon the Governor and inform him that the two Houses were ready, in Joint Convention, to receive any message he might desire to deliver.

Which was carried.

And,

Mr. Chase, of the Senate, and Messrs. Billings and Runnals, of the Assembly, were appointed such committee.

The message was then delivered in person by the Governor.

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and Assembly :

I am required to lay before you, so far as possible, the condition of the State, and to make to you such suggestions as are deemed important for your consideration.

FINANCES.

The report of the Secretary of State, containing the estimates of expenses and revenues for the current year, will be laid before you immediately. Your attention will be attracted by the large amount estimated for the expenditures of the year. The large sum named under the heads of "Sundry Expenses Unknown," and 'Due Individuals,' makes an aggregate of over \$130,000, and constituting, whatever be the actual amount when liquidated, what may be called a floating debt, is such as to require the attention of the Legislature to devise means by which the incurring of a debt so large in dimensions, and so uncertain and indefinite in its character, should be prevented. The amounts for which the State has become liable from sources of expenditure which the auditing officer has been unable to estimate for with any degree of exactness, have always borne a large proportion to the sum total of the expenses of the year, and hence there has in almost every year been reported a deficiency in the income to meet the disbursements, and, this, too, although some of the officers have estimated very large sums to cover these inevitable but indefinite expenses. The following table shows the estimated and actual expenses of each year from and including 1849, and will show as well the ratio of increase of the expenditures of the State, as the very wide difference in most cases between the estimates and the results :

Estimated by T. McHugh, Secretary of State, for ex- penses of 1849	\$46,980 00
Estimated revenues of same year,	60,695 00
Estimated balance in Treasury,	\$13,715 00
Reported by T. McHugh, as expenses of 1849,	78,085 73
Reported revenues of 1849,	58,059 94
Actual deficit,	\$20,025 79
Estimated by T. McHugh, for expenses of 1850,	48,925 00
Add deficit of 1849,	20,025 79
Total estimated expenses of 1850,	\$68,950 79
Estimated revenues of 1850,	108,754 19
“ balance in Treasury,	\$39,803 40
Reported by Wm. A. Barstow, (Sec’y of State) for ex- penses of 1850,	62,746 20
Reported revenues of 1850,	94,200 31
Estimated arrearages of 1850 to be provided for,	14,567 61
Add reported expenses as above,	62,746 20
Charged and reported for 1850,	\$77,303 81
Estimated expenses of 1851, by Wm. A. Barstow,	65,266 08
Add deficit as above,	14,567 61
Total	\$80,193 69
Estimated revenues for 1851,	98,215 00
Estimated balance in Treasury,	\$18,021 31
Reported expenses for 1851, by Wm. A. Barstow,	101,885 98
“ receipts of 1851,	75,990 27
Actual deficit,	\$24,895 71
Estimated expenses for 1852, by Wm. A. Barstow, (in- cluding about \$38,000 of unpaid salaries, and in- debtedness, for which no appropriation had been made)	109,288 29
Estimated resources for 1852,	109,550 60
Estimated deficit,	266 31

Reported receipts of 1852, by C. D. Robinson, Sec'y of
 State, 136,155 52
 Reported expenses of 1852, 136,096 23

Reported excess of payments, 940 71
 Estimated expenses of 1853, by C. D. Robinson, . . . 99,275 04
 " revenues " " 118,557 65

Estimated balance in Treasury, 19,292 61
 Reported receipts of 1853, by C. D. Robinson, . . . 152,296 44
 " expenses, " " 160,407 14

Reported excess of payments, 8,110 70
 Estimated expenses of 1854, by C. D. Robinson, . . . 157,210 70
 " revenues, " " 167,147 74

Estimated balance in Treasury, 9,807 94
 Reported receipts of 1854, by A. T. Gray, Sec'y of State, 191,299 46
 Reported expenses of 1854, 222,154 12

Excess of payments, 30,854 66
 Estimated expenses of 1855, (A. T. Gray,) . . . 253,059 52
 " revenues " " 288,826 91

Estimated balance in Treasury, 35,767 39
 Reported expenses of 1855, (A. T. Gray,) . . . 273,067 72
 " revenues " " 259,420 84

Excess of payments, 13,646 88
 Estimated expenses of 1856, (A. T. Gray,) . . . 274,044 50
 " revenues " " 412,476 54

Estimated balance in Treasury, 138,432 04
 The estimated expenses included about \$126,000 of
 debts due from the State, and the deficit above
 stated for 1855.)

Reported expenses of 1856, by D. W. Jones, Sec'y of
 State, 395,355 87

(This includes \$32,258 54, the deficit of Treasurer
 Janssen.)

Reported receipts of 1856, 388,363 84

Excess of payments,	7,002 28
Estimated expenses of 1857, (D. W. Jones,)	345,316 01
(Including the amount overpaid, and \$62,900 "due individuals.")	
Estimated revenues,	439,797 93
" balance in Treasury,	94,481 92
Reported expenses of 1857. (9 mos.) (including over-	
payment balanced,)	384,690 66
Reported receipts of 1857, (9 mos.)	389,834 24
Balance in Treasury,	5,143,48

These transactions are for 9 months, the beginning of the fiscal year having been changed to Oct. 1st. By using the quarterly Treasury Report of January 2d 1858, we make up the transactions for the full year 1857, as follows:

Reported expenses for 1857	\$442,756.00
receipts " " "	432,793,77

Excess of payments	\$9,962,33
Estimated expenses of 1858 (D. W. Jones)	\$525,824,25
revenue " " "	455,478,59
Estimated deficit	\$70,345.66

For the purpose of exhibiting the gradual increase of the expenditures of the State from year to year, the following table is prepared from the above:

Year.	Expenditures,	Decrease.	Increase
1849	\$78,085 73		
1850	77,313 81	\$771 92	
1851	101,885 98		\$24,572 17
1852	136,096 23		34,210 25
1853	160,407 14		24,310 91
1854	222,154 12		61,746 98
1855	273,067 72		50,913 60
1856	395,355 87		122,288 15
1857	442,756 10		47,400 23

In the expenditures of 1856 is included the balance found to be due to the State by Ex-Treasurer JANSSEN, \$32,258 84.

In the expenditures of 1857 are included sundry amounts to two of the benevolent institutions of the State, and for the enlargement of the State Capitol, amounting to about \$80,000, which as, according to the law of last session, completing the edifices for those Institutions and carrying the expenses of the State in the construction of the new capitol through the current financial year, were extraordinary in their nature, and relieve the Treasury from estimates to any large amount for those purposes.

With these explanations, it will be seen that the increase in the current expenditures of the State for the year past has been but small.

The Secretary of State, in his estimates of the expenditures and revenues of the current year, presents a gloomy prospect for the tax-payers of the State, especially in a time of great financial distress. That officer estimates a deficit at the end of the fiscal year amounting to the sum of \$70,345 66, and as under the head of resources, the amount of the deficiency of Ex-Treas. Janssen is included, a sum which there seems no probability that the Treasury will receive during the year, the estimated deficit must be increased by that amount. Under these circumstances, it will be the duty of the Legislature, in the exercise of a wise economy, proper at all seasons, but especially so in these times—to examine carefully the estimates of expenditure, and endeavor if possible with a due regard to the interests of the State, to keep the appropriations within a low aggregate. From such examination of the subject as I have been able to make, it is my opinion that the expenditures of the State may be so regulated, without detriment to any department of the public service, that a state tax for the current year of the same amount as that of last year—\$300,000—will be amply sufficient. In expressing this opinion, I have in view the probable negotiation of a new loan of \$50,000 to take the place of the bonds falling due this year. If on examination, however, the sum of \$300,000 will not be sufficient to meet the current legitimate expenses of the gov-

ernment, and pay the debts of the State, the amount must be increased. The debts of the State must be provided for and paid, and their unnecessary accumulation guarded against in the future.

PUBLIC INSTRUCTION.

Owing to the fact that no provision of law has been made requiring the clerks of the County Boards to make their returns to the State Superintendent in time to allow that officer to comply with the law requiring a full Report from the several departments soon after the close of the fiscal year, the Report of the Department of Public Instruction is not yet prepared. I recommend that the necessary provision of law be made, so that this important duty may be attended to hereafter in due season. The present State Superintendent has furnished me, from the statistics in his possession, the following facts and figures:

The whole number of children in the State between the ages of 4 and 20, entitled to share in the common fund is 241,647, being an increase of 27,761 over the number reported for the previous year.

The number of pupils who have attended the public schools is 153,613.

The number of school districts and parts of districts reported is 4378, and the number of school-houses in the State 2945. The average amount of monthly wages to male teachers was \$24.60, and to female teachers \$15.16.

The amount apportioned to the Schools in March, 1857, was 66 cents to each pupil. The apparent amount to be apportioned this year is about \$230,000, which would be 95 cents to each pupil; but in view of the probable delay in payments to the funds, that average cannot be fairly expected. The productive fund of the Department now amounts to over three millions of dollars. It is a fund which should be sacredly guarded by the officers who have it in charge. The Legislature will feel it to be a pleasure as well as a duty to see that the necessary laws are passed to cause the greatest good to be derived from the distribution of the Fund. The impression

is very general throughout the State that the duties of the Department have not hitherto been discharged with proper efficiency, and your attention is invited to a careful consideration of the subject.

BENEVOLENT INSTITUTIONS.

The Report of the Trustees of the Institute for the Education of the Deaf and Dumb, shows that 57 pupils have enjoyed the benefits of that Institution during the past year. The attention of the Legislature is invited to the Report in detail, showing the expenditures of the past year, and the amount asked for during the present year. There must have been some misunderstanding in the Legislature of last year in regard to the condition of the buildings of this Institution; the Act approved March 5th making an appropriation of \$15,000 "for the purpose of putting up and finishing off the main or centre building," while by the present Report the Trustees ask for the sum of \$21,500 for the same purpose, before the building can be ready for the reception of pupils. In the present financial condition of the State, it is for you to decide, after a sufficient examination of the subject, whether it is expedient to make such appropriation. The Institution appears to be under good management, and to be conferring great blessings upon an unfortunate class of persons, who deserve our warmest sympathy.—The amount asked for the support of the Institution is about the same as last year.

The Report of the Trustees of the Institute for the Blind shows that 20 pupils were in attendance during the last session, and that the condition of the buildings is such that a large increase of pupils may be soon accommodated. No estimates of appropriations for the present year are submitted with the Report, the Trustees leaving that duty to be performed through the annual visiting committee of the Legislature. The Report speaks very encouragingly of the progress of the pupils in the acquisition of various branches of knowledge, and the Institution seems to be in a flourishing condition, so far as its means of accommodating pupils will admit.

The first Report of the Commissioners of the State Hospital for the Insane, exhibits the progress of that very important un-

dertaking, down to the 1st of October, 1857. The Commissioners have adopted the location near Madison, upon which a building for the same purpose was formerly commenced, and have let the contract to responsible parties for \$73,000 for a building which will accommodate 75 patients, and they expect to be able to let the contracts for the various heating, cooking, and other apparatus, at a sum which will bring the cost of the edifice necessary for that number of patients, within the aggregate of \$100,000. Their suggestions in relation to building operations are commended to your attention. So far as is consistent with just economy in the expenditures of the State, this and the kindred Institutions for the instruction, comfort, well-being, and cure of the unfortunate, should be liberally provided for, and brought to the highest condition of efficiency as soon as is practicable.

Commissioners were appointed by my predecessor, according to law, to locate and provide for the erection of a House of Refuge for juvenile offenders. Their report, containing matter of much interest, and much valuable information upon this subject, will be laid before you. The institution has been located in the County of Waukesha, at a very eligible and convenient point for public convenience. The benevolent object of institutions of the kind commends them strongly to public patronage. It is to become a reform school, to reclaim and save a large class of youth from irretrievable ruin. The system adopted is one well devised for the objects and is entitled to favor. The plans adopted for the building seem to be admirably calculated for the purpose. The building can be completed as fast as public necessity requires. Each part will be perfect in itself to accommodate a limited number. The commissioners are able, experienced, and energetic men. A small additional appropriation will be necessary to enable the commissioners to carry out the designs of the Legislature.

THE STATE UNIVERSITY.

The Report of the Regents of the University exhibits the condition of that Institution during and up to the close of the last fiscal year. The number of students in attendance during the year was 164, of whom 41 were in the former Collegiate

classes. The gradually increasing productive fund amounted on the 1st of October, to \$315,953.46, giving an annual income of \$22,116.74. With the increase of the means to be devoted to the educational department, the various chairs appropriate and necessary to the establishment of a University which should bear the name, as distinguished from the many Colleges scattered throughout the land, have been and will continue to be filled. The new edifice of the Institution, which is now in progress of construction, will add greatly to its facilities for carrying out the purposes of the munificent grant by Congress. The State has accepted the trust, and the Representatives of the people will doubtless feel it to be a pleasure to aid the efforts of those who have the more immediate duty of discharging that trust.

STATE HISTORICAL SOCIETY.

The report of the Executive Committee of the State Historical Society, Jan. I. 1858, shows a library of over four thousand volumes, and over four thousand unbound documents and pamphlets, together with a large number of unbound newspaper files, carefully preserved. The Society has a valuable collection of about 40 oil paintings, the most of which are portraits of Wisconsin Pioneers, and prominent public men, and some are of persons of national celebrity—these of Dr. Kane and Dr. Percival being among the additions of the past year. It has besides some curious additions to its cabinet, rare old maps and several hundred manuscripts. Under the patronage of the State, the society has issued during the past year its best annual volume. Since the organization of the Society in January, 1854, it has met with unusual success—the increase of the library alone having averaged over one thousand volumes annually. The year past appears to have exhibited as much prosperity as any year preceeding, and its influence abroad is giving, in many respects, increasing honor and credit to the State. It is worthy of the patronage of the State, and every reasonable facility should be furnished by the Legislature for its substantial prosperity. The officers of the

Society are entitled to great credit, for their enterprise and efficiency, and deserve encouragement.

Under our present financial embarrassments, it becomes, however, a question for your consideration, whether it is prudent to incur the expense of publishing its volume for the year 1858, until the present debts of the State are paid. The materials for the next volume will not be lost, nor the Society injured, by the delay of a single year, in case such delay is considered expedient.

AGRICULTURE.

The statistics presented in the report of the Secretary of State, as the result of the inquiries of the assessors under the law of the last session, exhibit an interesting view of the growth of the State in agricultural, manufacturing and mineral wealth. It is to be regretted that quite a number of the counties of the State have made no returns, so that the aggregates are not as great as they should have been. Among the counties thus delinquent were Adams, Bad Ax, La Crosse, Marathon, Milwaukee, Ozaukee, Pierce, Portage, Sauk, and Waupacca, besides several of the more lately organized counties, whose returns would have increased the aggregates much.

So far as returned, the principal items of production in the year 1856, were as follows:

Barley,	408,875 bushels.
Corn,	5,100,790 "
Oats,	6,312,304 "
Potatoes,	2,318,694 "
Rye,	220,531 "
Wheat,	8,717,750 "
Butter,	6,655,686 pounds
Wool,	939,806 "
Lead, raised,	22,706,700 "

The county of Grant not being returned, with its large mineral interest, the last item gives but an imperfect idea of the amount of lead raised in the State.

Upon the prosperity of our agricultural interest depends the substantial prosperity of the State. The State Agricultural Society, and the large number of County Agricultural Societies already formed, are working great changes in public opinion, as to the importance of the farming interest. More adequate provision should be made for thorough education in scientific and practical agriculture. Many states are now moving upon this question, and are founding agricultural colleges and experimental farms, and are memorializing Congress for donations of public lands, to endow and sustain them. Michigan, Ohio and New York petition for five hundred thousand acres each, for themselves, and ask in addition that the same amount be granted to each of the agricultural states. A bill has been introduced in Congress for an appropriation of six millions of acres for this purpose to the different states. The memorial of the Board of Education of the State of Michigan, and of the faculty of the Agricultural College, on that subject, is so apt that I quote from it. They represent that the course of study in that institution is "inseparably connected with a system of labor in the institution; that it is its design and policy to afford ample and thorough education of the student physically, morally and intellectually; to ennoble the calling of agriculture, and teach men to increase the productions of the earth." They further represent, "that in a country so thoroughly agricultural as the United States, and contemplating the nature of the great trust of the public lands with an enlightened and comprehensive forecast, no more legitimate and no wiser disposition can be made of limited portions of them, than for instruction of men in multiplying the productions of the earth, and thus conducing to their comfort, prosperity and higher civilization." I recommend that you join in memorializing Congress for the grant of lands to the different states, for the purpose of establishing in this State an Agricultural College, upon a permanent basis. Our State and County Agricultural Societies have been wisely established, and their affairs ably and prudently

conducted. Great credit is due them for the change already taking place in the estimation in which agricultural occupations are held. Tilling the soil is an ancient occupation; in itself the most honorable of any engaged in by civilized men. No honorable man can look upon it with disrespect, and no man who despises the occupation of cultivating the soil is fit for any of the learned professions, or for the respectable society of men engaged in agriculture. The highest good to all mankind, depends more, than in any other one avocation, upon the wise and successful prosecution of agricultural pursuits.

MINERAL INTERESTS.

A very large class of our citizens are engaged in lead and iron mining. The mineral interests of the State may well be classed in importance with its agricultural and commercial interests. New developements and discoveries are constantly made in the lead mining regions, which are sources of great wealth to the State as well as to individuals. It is of much moment that the State render every facility in its power, by legislation, and if found practicable in the present stage of its finances, by material aid, to further discoveries as to the character of the mineral lands and the position and condition of lead ores, at different localities and varying depths from the surface of the earth. Questions connected with this subject will be brought before you by those who represent the mining interests, and will be entitled to your careful examination.

BANKING LAW.

The banking Law of the State is deficient in many important respects, affecting the security of the bill holder, and needs most thorough revision and amendment. The first duty of the State in authorizing issues of bank paper, is to protect the public, and see that they suffer no loss. All banking history shows a tendency, in practice, to perpetually diminish public security, either by expulsion of specie, which bank paper is supposed to represent, or by the depreciation of State Stocks deposited as collateral to guarantee a final redemption. The banking system of this State has proved no

exception to the common rule. The framers of the law unquestionably designed to guard against this evil, but the evidence of record, showing the practices which have grown up, conclusively demonstrates that the original design is a failure, and that security to bill holders, instead of increasing, has constantly diminished, more especially with the banks of recent origin. The object of the law requiring the deposit of State or United States Stocks, with the Bank Comptroller, as security for the issue of bank notes, was a plain one. These stocks were not to be regarded as bank capital, strictly speaking, but as collateral security, available to the bill holder only in the emergency that any bank might fail to redeem from its own funds. Banks were expected to conduct their business upon their own capital and give security besides, and such was the view held and acted upon by the Bank Department until a period quite recent. During the past year, however, an entire change seems to have taken place in the practice of the Department in this respect, so that at this time the stocks or collateral deposited, is made to stand for and represent bank capital itself; and very large issues of bills have been credited and put into circulation upon this hypothesis. In numerous instances, too, the banks thus started, with no other known capital than their collateral security, are located in places or at points without population, unknown to the people of the State or the maps, inaccessible, and beyond the reach of bill-holders, even when known; and not unfrequently the bills appear to be signed by fictitious names as officers, by minors, or by persons pecuniarily irresponsible. As a necessary consequence in all such cases, bill-holders cannot demand payment, or on default have their notes protested, or do any act to obtain the money due them, even from the security which is the only real or tangible capital of such banks. The framers of our bank law evidently never contemplated the organization of a banking association, and the emission of bills by it, without the establishment of a banking house or place of business, accessible by ordinary means

to the public, open at regular business hours, and with officers well known to the community in which they reside; and it was, of consequence, anticipated that persons having such bank bills, might present them for payment at any time, and in default of payment have them protested, so that they could secure payment by the established legal method. It could never have entered the minds of the framers of the law, that bills should go into circulation, directly from the Comptroller's office, without ever going into a bank or passing over the counter of a bank in the ordinary course of business. I cannot regard such issues in any other light, than as a manifest perversion of the spirit and intent of the law; an evasion of its terms, for the purpose of preventing bill-holders from obtaining payment of their dues, and thus far at least, fraudulent in design. Whatever may be said of legitimate banking as an abstract question, or its benefits as compared with a currency of coin, this practice has certainly rendered it impossible. No association, however desirous, can carry on a legitimate and honest business on real capital, while such institutions as those alluded to are permitted to exist. The question is narrowed down to a single point—Honest or Fraudulent Banking. Both cannot long exist at the same time, and it is your duty to determine which shall prevail, and whether the interests of the people of Wisconsin in the premises, shall or shall not be protected. It is my earnest wish that the great and growing evil should be speedily checked and removed, and no proper effort will be spared by my Department to accomplish that result. An examination as to the manner in which one of that class of banks was started discloses facts more or less appreciable to all persons, and which cannot in justice be withheld here. In the case alluded to stocks were issued at the Capital of Missouri, on the 18th day of December ult., and were registered by the Auditor of that State on the same day. On the 28th of the same month they were registered at St Louis, by the President of the Pacific Railroad Company; and on the 31st of the same month were assigned in the Bank Comptroller's

Office of this State, as security for the issues of bank notes. On that day the receipts in the Treasury of all funds were a little over two thousand dollars, as appears by the books in the Treasurer's office. After that date no business was done, no money received or disbursed, until the fourth day of the present month, when the amount of \$124,224,28, which was in the Treasury on the 31st Dec., was paid over by the retiring Treasurer to the present incumbent of that office, and the sum of \$12,000 of bank notes, issued on the aforesaid Missouri bonds, and dated in July last, *was a part* of the funds so paid over.

These notes had evidently but just been signed, and it might be concluded, passed directly from the Comptroller's to the Treasurer's office. The bank was a new one, unheard of before; so that the plate must have been engaged under the order of the Comptroller, and the bills printed in advance of the issue of the stocks by the State of Missouri and apparently signed before their deposit in the Bank Department; and the State Treasurer must have taken the currency in exchange for other funds in the Treasury, before a dollar of it had been put into circulation elsewhere. This institution is so vaguely located as to be wholly inaccessible to the business public. It needs but little sagacity to foresee that if such banking is to be tolerated, or if the Legislature at this session shall fail to provide stringent remedies for the evil, that all legitimate banking is ended for the present, and wide spread financial ruin must soon overtake the people and the State. Another fact in this connection is well deserving of your attention, and the application of a proper legislative correction. The funds found in the Treasury by the new incumbent amounted to the sum of \$124,224,28, nearly all in bank paper, except \$2,457,86, which was in gold and silver coin, notwithstanding the law prohibits the receiving of any funds but coin in payment of public dues. It is apparent that whatever specie might reach the Treasury, commanding as it does a large premium, might hold out a great temptation to the Treasurer to exchange it

for currency. The effect of exchanging bank paper by any bank at the Treasury must work to the detriment of all institutions not similarly allowed the privilege. In view of the many circumstances pointing to operations of this nature, and the fact that they directly tend to peril the public interests and put in jeopardy the funds of the State, I recommend the passage of a law prohibiting, under the severest penalties, the State Treasurer from trafficking in, changing, loaning, or in any manner, directly or indirectly, using any monies belonging to the public on his own account, for any purpose whatsoever. I also recommend the passage of a law, making it a high crime for the Bank Comptroller, or any officer or person in the Bank Department, to act as agent or depositor for any person or association, designing to establish any bank, or as agent of any State for the sale of any of its stocks or other evidences of debt, or to procure to be engraved for, or issue to any person or banking association, any registered bills in advance of the deposit of stocks as security, or to issue such bills or notes to any person or bank to be put in circulation in any other manner than through a regular banking house located at some well known business point, and conveniently accessible to the business public; or to receive for any service in the organization of, or issuing notes to any banking association, or for the sale or transfer of stocks, or any other official service, any compensation whatever, beyond what is allowed or provided by law. I know of no way of reaching the evils of this system but by the passage and enforcement of the most stringent laws, for the protection of the public. The following table exhibits the circulation of registered notes, and the character of the stocks upon which they were issued, taken from statistics furnished by the Bank Comptroller, with other information connected with the subject.

During the past year twenty-seven Banking Associations

have been organized with an aggregate Capital of \$2,200,000

And seven Banks previously organized have increased

their capital in the aggregate

575,000

And two Banks have discontinued business, with an aggregate capital of 125,000

The whole number of Banking Associations organized and doing business on the first Monday of January 1858, is seventy-five, with an aggregate capital of 5,940,000

The increase of the Banking capital for the year 1857 is 2,650,000

The whole amount of countersigned notes issued and delivered to the Banks during the year 1857 is \$1,697,863

The whole amount of circulating notes returned to the Bank Comptroller's office for destruction during the year 1857, is 433,342

The whole amount of countersigned notes issued and delivered to the Banks and outstanding on the first Monday of January 1858, is \$3,215,488

Which are secured by the deposit of Public Stocks and Specie in the sum of \$3,862,041

As follows :

Wisconsin	6s	50,000
"	7s	50,000
Indiana	5s	128,000
Michigan	6s	41,000
Ohio	6s	76,000
Louisiana	6s	126,000
Virginia	6s	232,000
Tennessee	6s	341,000
North Carolina	6s	125,000
Pennsylvania	5s	14,000
Kentucky	5s	14,000
"	6s	33,000
Georgia	6s	33,500
"	7s	20,000
Missouri	6s	2,004,000
Illinois	6s	261,140
California	7s	116,000
Racine & Mississippi Rail Road Bonds	8s	27,000
Milwaukee & Watertown R. R. "	8s	50,000
Specie		119,901
Total		\$3,862,041

The whole amount of Bank tax assessed during the year

1857, all of which is paid in except \$979 16, is \$70,298.02

The following Banks have returned to the Comptroller's Office for destruction, circulating notes, amounting to over \$5,000 each:

Badger State Bank,	Janesville,	\$6,660
Bank of the Capitol,	Madison,	10,364
Bank of Fond du Lac,	Fond du Lac,	8,052
Bank of Milwaukee,	Milwaukee,	38,847
Bank of Racine,	Racine,	17,799
Bank of Watertown,	Watertown,	7,005
Central Bank of Wisconsin,	Janesville,	6,120
Columbia County Bank,	Portage City,	16,000
Dane County Bank,	Madison,	29,240
Farmers' and Millers' Bank,	Milwaukee,	24,844
Globe Bank,	"	14,099
Jefferson County Bank,	Watertown,	25,000
Juneau Bank,	Milwaukee,	14,250
Kenosha County Bank,	Kenosha,	5,000
Marine Bank,	Milwaukee,	6,000
Merchants' Bank,	Madison,	11,924
Peoples' Bank,	Milwaukee,	11,000
Producers' Bank,	Janesville,	8,998
Racine County Bank,	Racine,	24,784
Rock County Bank,	Janesville,	15,083
Second Ward Bank,	Milwaukee,	13,048
State Bank,	Madison,	29,371
State Bank of Wisconsin,	Milwaukee,	36,313
Wisconsin Bank of Madison,		7,600
		<hr/>
		\$387,401

CIRCULATION OF THE FOLLOWING BANKS.

Arctic Bank,	Eagle Point,	\$86,008
Chippewa Bank,	Pepin, Dunn Co.,	50,000
Green Bay Bank,	Marinette,	34,300
Oakwood Bank,	North Pepin,	60,000
Lumberman's Bank,	Conterelle,	299,985
St. Croix River Bank,	Brinkerhoff,	150,000
St. Croix Valley Bank,	St. Croix Falls,	49,995
Wisconsin Valley Bank,	Millville,	33,000

STATEMENT OF CONDITION OF BANKS.

	Aggregate Capital.	Aggregate Circulation.	Ag. Am't Specie
July 4, '53,	\$530,000	\$301,748	\$174,986.82
Jan. 2, '54,	600,000	485,121	182,482.81
July 2, '54,	1,250,000	786,216	240,909.73
Jan. 1, '55,	1,400,000	740,764	334,383.74
July 2, '55,	1,536,000	930,320	358,127.53
Jan. 1, '56,	1,870,000	1,060,165	531,713.64
Jan. 5, '57	2,955,000	1,702,570	542,938.81
January 1858,	5,940,000	3,215,488	

Of the total outstanding circulation of the Banks, \$3,215,488, Missouri has furnished securities to the amount of \$2,004,000. The facility with which certain stocks are changed into currency under our Bank Department, must, unless checked speedily, put an end to our Bank System. It is well understood that \$100,000 in money will buy about \$125,000 of these Missouri Stocks at any time. Upon these Stocks from \$95,000 to \$100,000 may be issued, to buy as much more Missouri Stocks, which in turn, being deposited as security, will draw nearly as much more currency, and so on almost indefinitely. The Banks being established at inaccessible or unknown points, to avoid the payment of specie upon the circulation, would induce an unlimited inflation of the currency. The value of these Stocks ultimately may well be questioned. While a few operators in Wall street may give them a fictitious value as a banking basis, it is believed that were the demand created for banking in Illinois and Wisconsin to cease, they would sink at once far below the rates at which they are received on deposit as security for our bank circulation, and that they are not a safe basis, even as collateral security, much less when held and used as actual bank capital.

This system of banking, in the end, must drive out of circulation all specie and the currency of banks established for legitimate business purposes. Banks located in business centres, where they are liable at any time to be called upon to redeem their circulation in specie, cannot compete with those institutions located at inaccessible points, and would be necessarily compelled to withdraw their circulation entirely.

In concluding this subject, I would say, that the State should have honest banking or none at all. It is a branch of business in which the temptation to perversion and evasion, if not to fraud, is great under any circumstances. But it is the duty of the Legislature to check all infringements upon the plain intention of the existing law, and to punish with severity every violation of its provisions, either in letter or spirit, and especially to guard every avenue for the perpetration of fraud upon the people. A thorough investigation of the Bank Department, and the manner in which its operations have been conducted, at an early period of the Session, is recommended.

LEGISLATION.

Grave charges have been made during the past year, and are constantly reiterated, of corrupt conduct in the Legislature which disposed of the Grants of land donated to this State for Railroad purposes. The charges are that individuals connected with the Milwaukee & La Crosse Railroad, either as officers or otherwise, offered and paid to members of the Legislature of 1856, either in money or bonds, or otherwise, large bribes to procure a particular disposition of those grants of land. It is also charged that there was the same species of corruption in the disposition of a portion of those lands designated as the North Eastern Land Grant. These charges are so open and bold, that good citizens have become alarmed at the idea of such official misconduct, and the reputations of the members of that Legislature, and of the State, have materially suffered in consequence.

If there has been no such corruption and wrongs as those indicated, it is due to the honorable men of that Legislature that they be cleared of those charges, and that the slanders be stopped. If there have been such frauds upon, and corruption in Legislation in this State, public justice demands that by exposure and punishment an end should be put to such venality.

The man who would dare to approach a sworn public officer with a bribe, to turn him from his honest convictions of duty, should be hunted down by the law and severely punished.

It is due to the people of this State to know whether their representatives can be bought and sold like slaves in the market, or like cattle in the shambles. Honest Legislation in protecting the rights of all by wholesome laws, is the great safeguard of the people, and they have a right to demand that at the hands of their representatives. It is time this clamor ceased, or the guilty parties were exposed and punished. The self respect which every Legislative body should feel, should lead without hesitation to exposure of wrongs and crimes. No countenance should any longer be given to causes of reproach against a high and honorable body of public men. Public morals like private morals are never improved by winking at delinquencies. Covering up crimes after they have been committed, neither operates as a punishment to offenders or to deter other men from the commission of like offences. Legislation should be as pure in motive and action as the administration of justice or execution of the law. If the law making power is suffered to become corrupt with impunity, the administration of the law by Courts of Justice will be suffered to become corrupt with like impunity, and the rights of the whole people be jeopardized. Justice to the Legislature upon which the corruption is charged, justice to the people of the State who have been outraged, if the charges are true, and justice to yourselves, demand that the Legislation of this State be purged of these charges, if they are but charges, and of the offences if offences have been committed. I will sustain the Legislature, to the full extent of the power of my department, in any investigation upon this subject, without any regard to where the blow will fall. It is a question which concerns the honor of your department. I submit the whole question to your self respect, your honest convictions of duty, and your obligations to the law and to the people, as to what your duty is upon this subject.

The manner in which the Rail Road companies to which the grants of land were given by the State, have fulfilled the conditions of the law, will necessarily come before you. A

strict compliance with the material requirements of the law must be exacted. Stockholders in many of the Rail Road companies of this State, and a large class of the best citizens of the State who have encumbered their farms to aid Rail road companies, have suffered great losses and are liable to suffer still greater losses, on account of the criminal mismanagement and breaches of trust of their agents and officers. As far as possible the Legislature should establish safeguards against such wrongs, and pass laws making it a criminal offence for any director, officer, agent or servant of any R. R. Co. to appropriate, sell, transfer, or in any manner dispose of any funds or securities belonging to any Rail road company, or to the stock holders thereof, for any other object than for the necessary and legitimate purposes of such road.

An alteration should be made in many of our criminal laws, which in cases of light offences, and particularly with youthful offenders, will give the courts a greater discretion in imposing punishment.

The law on the subject of gambling needs amending. The penalties against this vice operate as invitations to indulge in it. At every session of the Legislature, gamblers and black-legs throng this city, dogging the footsteps of citizens, enticing the young and confirming an evil habit in the old. Severe punishment should be imposed upon these professional gamblers, armed with all the paraphernalia of a disgraceful profession, to drive them if possible from their pursuits. Officers should be compelled to a strict performance of their duties in this respect. I shall take great pleasure in attending to the execution of any law that may be made on this subject.

More stringent legislation is required, to compel public officers to the performance of their duties. Bold and wealthy criminals are too frequently suffered to escape punishment, for no other conceivable reason than the high respect felt by public officers, for the dignity and magnitude of the offences committed. The value of all criminal law in the protection of persons and property, and in the prevention of crime, is in the certainty of its execution. In this age, more than at any

other in the history of the civilized world, crimes are increasing with astounding rapidity. There is more learning and comparatively less wisdom; more professions of virtue and comparatively more vice; more religion and comparatively less true Christianity, than the world ever witnessed before. Art and science pay tribute to criminal rapacity, and are made auxiliaries to aid in successful violation of the law. Unless greater efforts are made to secure punishment for offences; if the boldness and frequency of public wrongs are to secure their impunity, but a little time must elapse before an aptitude for the commission of crime will become a confirmed defect in the character of the American people.

REVISION OF THE LAWS.

The Commissioners appointed to revise the laws have been engaged with great industry upon their duties. The ability and character of the gentlemen composing the Commission inspire confidence that the revision of our laws will be wisely and satisfactorily made. I am assured that their report will be made to you in an early part of the session.

LOCAL LEGISLATION.

My predecessor called the attention of the Legislature to the excessive local legislation which has been indulged in since the organization of the State Government. I must call your attention earnestly to the necessity of a reform in this respect — Section 1 of Article 12 of the Constitution of this State is as follows:

“Corporations, without banking powers or privileges, may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be obtained under general laws.”

Nearly all the local legislation of the last ten years, which has filled large volumes, and cost the State, in time spent by the Legislature, and in expense of printing, at least one hundred thousand dollars, might have been entirely dispensed with, and all the benefits derived, or expected to be derived, might

have been realized under general laws provided for the purpose, or from the action of Boards of County Supervisors, or by proceedings in court. Economy in public expenditures, in this time of financial distress, would be your sufficient warrant for abandoning this system of Legislation, if the Constitution did not prohibit it.

ASSESSMENT LAWS.

Our assessment laws are full of imperfections, and the attention of the Legislature is earnestly invited to the necessity of a change in the present system. The law should compel the assessors to assess all property liable to be taxed, both real and personal, at its actual value. There is now, in towns and counties throughout the State, a competition among assessors in the art of making low assessments, far below the value of the property assessed. Each seems to fear that his district will be compelled to bear too great a proportion of the general burthens. By the inequality and want of uniformity of the system, great numbers escape the payment of their just proportion of the taxes, and great numbers are forced to pay too much. The law should insist that every tax payer give in to the assessor an accurate statement of the amount, and estimated real value of his property. Other defects of a serious character are found in the detail of our present laws, and as the importance of the alteration of the law is very great, I commend it your attention at an early day of the session, before the pressure of other business shall prevent its careful and deliberate consideration.

TREASURY AND SCHOOL LAND OFFICES.

The investigations that were made two years ago into the condition of our public offices, and into the manner in which the business of the several State Departments had been conducted, disclosed the fact that grave offences had been committed, and gross frauds perpetrated by men intrusted with the administration of public affairs. Money had been embezzled from the public treasury to a large amount; illegal fees had been taken by officers in the School Land Department; frauds

had been practiced in the sale of school and university lands, and money paid out of the State Treasury without appropriations made by law authorising the same. No adequate law had been passed providing suitable punishment for such offences, although an effort had been made in the Legislature to do so. To prevent a recurrence of such evils in the future, I recommend that laws be passed, imposing heavy penalties for their breach, to prevent any money being paid out of the State Treasury, except in pursuance of appropriations made by law; to prevent the sale of specie belonging to the State Treasury; and to prevent money changers from controlling or in any wise interfering with its deposits; to prevent frauds in the sale of School and University Lands, and to confine all persons having charge of any of the great public interests of the State to the discharge of their legitimate duties. The Committee to be appointed by the Legislature to report upon the condition of the State offices should be under instructions to ascertain and report the expenses of the School and University Land and Swamp Land Departments for the past year, and how these expenses have been paid. Each of those Departments should be made to support itself, without drawing upon the General Fund.

SALES OF STATE LANDS.

There is no good reason why men who desire these public lands for settlement and cultivation should be compelled to purchase them at second hand from speculators. There is no necessity for any further haste in the sale and disposition of those lands. I recommend that the School and University lands hereafter sold, and such of the Swamp lands as are susceptible of cultivation and improvement, be sold only in quantities, not to exceed three hundred and twenty acres to any one individual, and then only to men who desire to purchase them for actual settlement and cultivation; and that in all cases of sales, ten per cent. of the purchase money be required to be paid at the time of such sale.

TRESPASSERS ON STATE LANDS.

Some efficient means ought to be provided to enable the Commissioners to protect the School and Swamp lands from

trespassers. Although several attempts have been made by the Legislature to remedy this evil, no adequate protection has been within their reach. Trespasses are constantly committed, and some of the lands are constantly losing their value on that account. Some of the agents appointed for the purpose of guarding them, it is feared, have quietly endured the spoiling of the lands, enjoying, as a reward for their patient forbearance, a portion of the fruits of the evil. The islands in the Mississippi, belonging to the swamp lands, particularly require care and supervision.

PUBLIC PRINTING.

The Legislature is bound to provide for the speedy publication of all statute laws. Under the contract of the public printer, the condition of the acceptance of his bid was to publish them within sixty days after the adjournment of the Legislature. The laws for several years have not been published as early as they should have been, and frequently their publication has been delayed until it was time, according to the common system of Legislation in the State, to repeal or alter them. Serious injuries result from this failure to publish and distribute the laws, independent of the general inconvenience to courts, attorneys, officers, and business men. Rights are seriously affected, and the laws broken, by men who have no knowledge and no means of knowledge of what they are. The attention of the Legislature has been frequently called to this subject, but the public printer, for some reason, has paid no regard to it. I recommend that authority be given to the Secretary of State to declare the contract forfeited hereafter, whenever the public printer fails to fulfil his contract, and to let the printing to some other party.

CORPORATIONS.

The Legislature is empowered to provide for the organization of cities and incorporated villages, and it is made its duty by the Constitution to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and taxation, and in con-

tracting debts, by such municipal corporations. Constant complaints are made of the excesses of taxation in cities and incorporated villages in this State. In many of our larger cities the burthens of taxation have become oppressive. Too great powers are given to Boards of Trustees of villages, and to the Common Councils of cities, in expending public moneys; and the ease with which, in the early stages of indebtedness, money can be raised upon city bonds, leads to extravagant expenditures of the public funds, and, too frequently, for other purposes than in payment of necessary expenses or in making improvements. A limit should be fixed, in every city charter, to taxation, and a limit to the creation of public debts. The debt of a city should never be suffered to reach such an amount as to bring down its credit more than 5 per cent. below par. The faithlessness and extravagance of public officers is becoming proverbial, and in incorporated cities, where a perpetuation of power, independent of any political considerations, is made to depend upon lavish expenditures of public funds for unauthorized purposes, and in fulfillment of oppressive and fraudulent contracts, it becomes a matter of urgent necessity that the Legislature should interpose, and obey the order of the Constitution, by placing a restriction upon the power of borrowing money, of taxation, of assessment, of contracting debts, and loaning credit. Your attention is invited to a careful consideration of this subject.

There is another question of serious importance connected with this subject of contracting debts by municipal and other corporations. The State is not authorized to contract public debts to exceed in the aggregate the amount of one hundred thousand dollars. It is also expressly prohibited from giving or loaning its credit in aid of any individual, association or corporation, or contracting debts for works of internal improvements. Yet the Legislature, by a series of acts running through a number of years, has conferred upon counties, towns, cities and villages, a power to do that which the State has no constitutional power itself to do. A necessity may frequently arise

where, for some purposes, counties and towns may be justified in contracting a limited amount of indebtedness, but in no case should they be authorized, and there is no constitutional power to authorize them, to create a debt which is likely to become a public burthen, or to loan their credit for the benefit of, or in aid of, any individual, association, or corporation. There is no safety for a public corporation if it falls into the hands of a private one. Towns, and counties, and cities, were never organized for the purpose of building canals, railroads, or plank roads, or in any manner to speculate in private enterprises. Though cities may be authorized to loan their credit, the character of the corporation being esteemed in law different from that of a town or county, yet it is, in every case, of doubtful expediency to loan it to private corporations. When once the system is adopted, it is difficult to limit the extent of the liabilities in which they may become involved. There is a uniform history of embarrassment, prostration of credit, and burthensome taxation, to be written of such debts. Counties, towns, cities, and villages, like individuals, are in best condition when out of debt. No deserving private corporation needs such aid. Capital, everywhere, will seek safe and profitable investment, and will be furnished as fast as public necessity demands any given improvement at the hands of a private corporation. Private corporations are unsafe depositories of public credit.

If the whole amount of bonds had been issued which have been authorized by the Legislature, the sum in the last four years alone would have exceeded eleven millions of dollars, as the following table will show:

Counties	Amount	Counties	Amount
Sheboygan	\$550,000	Rock	\$160,000
Outagamie	365,000	Winnebago	500,000
Brown	10,000	Racine	90,000
Fond du Lac	2,310,000	Waukesha	410,000
Calumet	238,000	Dodge	345,600
Marathon	10,000	Dane	355,000
Marquette	1,125,000	Washington	100,000
Ozaukee	148,000	Columbia	415,000

Milwaukee	500,000	Sauk	175,000
Jefferson	1,260,000	Waupacca	183,000
Waushaar, Fond du } Lac and Marquette }	460,000	Portage	200,000
		Waukshara	400,000
Walworth	680,000		
Tot l	\$11,489,000.		

If the amount previously authorized to be issued be added to this sum, the aggregate would not be less than fifteen millions of dollars—a sum sufficient to bankrupt the State. It never could be paid, and would have led, as a last resort, to repudiation and public disgrace. I recommend that every act of the Legislature authorizing towns, counties and villages to loan their credit to private corporations, where their bonds have not already been issued, be at once repealed, and that the cities be restrained from any further loans of a similar character.

FIVE PER CENTUM.

The General Government continues to withhold from this State the five per centum of the proceeds of sales of the Government lands lying in this State. Whether insufficient efforts have been made by the agents of the State to obtain the amount due, which is at the present time estimated at about \$300,000, or whether the payment is delayed on account of a pretended though unfounded claim against this State; growing out of its connexion with the Milwaukee and Rock River Canal Grant, or whether it is the settled purpose of the Government, for causes beyond our control, to withhold the amount due the State, cannot with any satisfaction be determined. The attention of our Senators and Representatives should be called particularly to the failure of the Government to do justice by payment of the amount due the State. It should be ascertained without delay whether the five per centum is to be permanently withheld, or whether we are ultimately to realize any benefit from the claim of the State, and if so, how soon. In this time of financial embarrassment, while the State is engaged in the erection of necessary and

expensive public buildings, its payment would be a great relief to the people.

FOX RIVER IMPROVEMENT.

I have no definite information upon which to base any recommendation in regard to the Fox and Wisconsin river improvement. It is an enterprise of great importance to the northern part of the State, and should be treated justly, without regard to any local jealousies. No portion of the State can prosper too much, and the substantial prosperity of one portion should not be looked upon with jealousy by any other. It is the business, however, of the Legislature to look after the manner in which the work upon it is conducted, and to take care that the terms of the grant of land made in its aid are fully complied with. The State must protect itself from being involved in any liability on account of a misappropriation of the land granted, or a misapplication of the funds realized upon a sale of those lands. It would be well to have a committee appointed to examine and report to the Legislature, whether the terms of the grant have been, so far, complied with in prosecuting the Improvement.

MILITIA AND STATE ARMS.

More adequate provision should be made for the organization of the militia system of the State. If the proper steps are taken and exhibits made, the State will be entitled to receive during the present year, arms to the value of twenty-four thousand dollars. Some safe and commodious place ought to be provided for depositing and preserving them. The volunteer companies already organized are an honor to themselves and to the State, and are entitled to favorable public consideration.

PACIFIC RAILROAD.

The necessity of a thoroughfare by wagon or Railroad, or by both, in our own latitude, to the Pacific, for the convenience of trade and navigation, is so apparent that I suggest that the Legislature join in the efforts now being made for

that purpose, and memorialize Congress on the subject. From the head of Lake Superior to Puget Sound, the distance in a direct line is about fourteen hundred miles, and by the Rail Road route lately explored by Gov. STEVENS about eighteen hundred miles. The explorations and surveys of the several routes—northern, middle, and southern—have resulted in establishing the fact that the northern route possesses advantages over all the others yet explored, in these particulars: It requires, by connecting with present roads, less railroad to be built, to make a complete Railroad communication between the Atlantic and Pacific, by several hundred miles. It is through a better district of country—one capable of sustaining an agricultural population nearly the entire way. The gradients are less and the general altitude much lower. It furnishes a greater supply, with more general distribution of wood, timber, coal, water, and building stone, and facilities for supplying workmen and material in the progress of the work. Between the navigable waters of the Missouri at Fort Benton, and the navigable waters of the Columbia at the mouth of the Peluse river, fifty miles above Fort Wullah-wullah, the distance is 450 miles. With these and other facilities for furnishing supplies, the work of constructing this Railroad can be simultaneously commenced, and carried forward, at Lake Superior, Puget Sound, Fort Benton and Fort Wullah Wullah, thus requiring less time for its completion, than other routes, where the work must necessarily be continuous from either terminus. The climate too of the northern route is better adapted to labor, and a great amount can be performed in a given length of time by the same force. In a commercial point of view this line is the most direct between the great shipping ports of Asia and India and the great commercial cities, New York and Liverpool, and for North American produce it avoids the tropical regions. It is of the greatest importance that Congress should make an appropriation for a wagon road from Fort Benton to Fort Wullah-Wullah. It is believed that \$200,000 will be sufficient for this purpose.

THE SLAVERY QUESTION.

The subject of slavery, and the powers of the federal government over the subject of Slavery, are assuming at the present time a very grave importance. The question whether a man shall own himself, or another man shall own him, is of itself, infinite in its importance to the parties interested; but it becomes fearful in its import when the institutions of the whole country are likely to be involved in difficulty growing out of its connexion with that peculiar institution. Great controversies have arisen as to the duty of the Federal Government, and as to the duties of the States themselves, upon this subject, and this antagonism of opinion has led to antagonism of action, and is likely to involve the Federal Government and the States in grave confusion. The government of no one State has any right to interfere directly with the domestic institutions or government of any other State of the Union. The jurisdiction of no one State extends in any manner or for any purpose whatever over the territory of any other State. Each is sovereign within its own boundaries, and entirely independent, except so far as power has been delegated to the Federal Government, in express and exact terms, under the Constitution of the United States.

The laws of no State reach beyond the limits of that State and every legislative enactment assuming a jurisdiction beyond a constitutional right, is void. Wisconsin has no right to interfere with the domestic, or any other institution of Virginia, nor has Virginia with those of Wisconsin. No legislative enactment here, and no judgment of our own State courts, can interfere to abolish slavery in Kentucky, nor can Kentucky establish slavery in Wisconsin. Beyond this, the Federal Government, being purely a government of delegated powers, established for specific purposes, cannot abolish slavery in any State of the Union, nor can it establish slavery in any State, or in any of the Territories of the United States; nor has it a right directly or indirectly to advise, countenance, or assent to, the establishment of domestic slavery any where within its jurisdiction. The Federal Government is entirely

one of delegated powers, and the powers delegated are independent powers. There is no such thing as an independent power granted by implication. There are certain dependent powers, implied, assumed and exercised, as incidents for the purpose of giving effect to an independent power delegated.

The Federal Government, therefore, takes nothing but that which the Constitution gives it in express terms, and acquires no right or authority to exercise any power not expressly delegated, except so far as may be necessary to give force and effect to one expressly delegated, and then only for the purpose of carrying out the great objects for which the Government itself was formed. The history of dead nations, written upon the record and in their ruins, tells us in terms of solemn warning the danger of departure, by any Government, in the exercise of its authority, from the great objects for which all good governments should be instituted, and of using legitimate powers as engines of oppression, and fraud, and wrong. The theory of our Government is that it was instituted to secure, among other rights, the rights to life and liberty, and that it derives all its just powers from the consent of the governed. The people ordained and established the Federal Constitution, in order to "form a more perfect union among the independent States, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty."

Using the great powers delegated to the Federal Government by that Constitution for any other purposes than those intended and specified, operates as a direct violation of the principles that underlie its foundations; denies practically, that the Government was instituted for the purpose of protecting and sustaining the rights to life and liberty; perverts the theory that it derives its just powers from the consent of the governed. Instead of confirming the strength of a perfect union formed, it weakens its bands, and tends to disunion. Instead of establishing justice, its tendency is to injustice and violence. It insures domestic confusion and discord, instead

of tranquility ; breaks down the constitutional walls erected for the common defence, opens the way for thick-coming disasters and misfortunes, in the place of promoting the general welfare, and shackles the liberty of the people instead of securing its blessings.

The relation of master and slave is peculiar in its character. It does not depend for its existence, necessarily, upon local law. It is not a natural condition of any distinct race of men. It is rather a relation depending upon the exercise of force. It is a relation that existed before the present State Constitutions were made, and before there was any local legislation on the subject. Law makers and constitution makers recognized it as an existing institution, and passed no laws creating or assuming to create it. It was established without law, and is sustained by law protecting the exercise of force without right. This is the character of the institution now sought to be forced upon a free Territory of the United States. Since A. D. 1820, until within a brief period, slavery was prohibited by act of Congress north of what was called the Missouri Compromise line. That act was repealed and superseded by the Kansas-Nebraska Act. *At the time of its repeal there was no slavery in Kansas, in the judgment of the law. At the time of the passage of the Kansas-Nebraska Act there was neither slavery nor involuntary servitude in any of the Territories of the United States, under the Constitution of the United States.* There was no local law authorizing it, nor any act of Congress. There was neither a slave state or a free state having any jurisdiction over them. The Constitution of the United States never carried slavery into any free Territory of the United States. The statesmen who made it did not make it for that purpose. The people who ordained and established it, did not ordain and establish it for that purpose.

There is in it neither an express or implied power to establish slavery anywhere. If there was slavery at that time in Kansas or any other Territory of the United States, it was

without law, and in direct violation of every principle upon which our institutions are based, and in conflict with the declared objects for which the Constitution itself was adopted. Neither in regard to slavery or any other subject, does the Constitution do that for which it was not intended or instituted, or that for which it does not itself declare it was intended or instituted. No partnership was formed by the Confederate States, at the time the Federal Constitution was adopted, for the purpose of creating or sustaining slavery. There was no article in the partnership contract declaring slaves to be common property, or registering them among the list of articles or chattles universally recognized throughout the civilized world as common subjects of property. That cannot, by any just law, be made property which is not the subject of property. Men entitled to life and liberty are not the subject of property to men entitled to life and liberty. Equals are not the subject of property to equals. The Constitution of the United States was never intended to establish or sustain; and does *not* now sustain, this peculiar relation or institution in any Territory of the United States.

There is another serious aspect to this anti-Republican doctrine of slavery under the Constitution. If the right to hold slaves existed in Kansas at the time of the passage of the Kansas act, under the common Constitution, it existed in Utah and New Mexico and Oregon, and Washington and Minnesota Territories. If the right to hold slaves exists under the Constitution of the United States independent of local law, the Constitution being the Supreme law of the land as it expressly declares, then every act prohibiting slavery in any of the Territories, the ordinance of 1787, and every law and Constitution of every free State, abolishing or prohibiting slavery, were and are, unconstitutional, and the right of slaveholders to bring into Wisconsin their slaves and to hold them here as such, and to sustain the institution of slavery here, now exists, and slave labor, forced upon us, is liable to come into competition with the free labor of our

citizens. It is a question which rises far above all party considerations. The free people of Wisconsin will never consent to any such construction of the Federal Constitution.

We owe it to ourselves, and to the other free States, and to the spirit of our institutions, to record our solemn protest against it. Wisconsin was born of Virginia when ideas of free government filled the minds of her great statesmen, and when Liberty was the theme of her Orators. The child has not forgotten the early taught lessons of the parent. "*There SHALL BE neither slavery nor involuntary servitude in the State of Wisconsin otherwise than in the punishment of crime whereof the party shall have been duly convicted.*"

The right to control, is a necessary incident to the power to acquire Territory. Congress has no power to establish slavery in the Territories, because it derives no power from the Constitution, and to establish slavery was not one of the purposes for which it was ordained and established. The Federal Government has no right to acquire Territory except for purposes consistent with the objects of our institutions. It has a right, and it is its duty to prohibit slavery in the Territories, because it has power to legislate over the Territories, and slavery is the antagonist of that Liberty, to secure the blessings of which the Constitution was ordained and established.

The right of Congress to legislate for the territories has been conceded by every President, and sanctioned by every administration, from that of Washington down to that of President Pierce. It has been declared by the adjudication of the Supreme Court of the United States. Every organic law, organizing a Territorial Government, passed by Congress, is an act of legislation. The act of Congress, organizing a Territorial Government in Kansas, holds the same relation to that territory that a State Constitution does to the State. Congress can confer no power of legislation that it does not itself possess, and every act of legislation by Congress establishing an organic law is legislation for the territory, and for the peo-

ple of the territory; is legislation over the territory and over the people of the territory, affecting the rights and privileges and institutions of the people of the territory. It is the duty of Congress to exercise that power of legislation over the territories in order to prevent the aggressions of an enemy to the common liberty which the people have, under the Constitution, a right to enjoy. To a certain extent, the people have a right to regulate their own Institutions in their own way. But the people have no right to do wrong. The majority of the people have no right to oppress the minority. Constitutions are adopted and laws made with a view to protect the rights of minorities against the excesses of majorities, as well as to protect the rights of the majority because of their intrinsic merits. Under a constitutional government, the power of the people is not unlimited. The people must be bound by the law, or there is the end of civil government. Our Government is not a pure democracy, where the will of the people necessarily becomes the law. Otherwise, if the majority determined upon a Limited Monarchy or absolute Despotism, without regard to constitutional safeguards, our Government might be changed to-morrow, and all our liberties overthrown. Under our present form of government, the people in every organised State, having regard to the bounds set to their action by the Constitution, and having in view the great objects of the Government, have a right to say through their legally chosen agents and representatives, by what kind of laws their lives and liberty and property shall be protected and preserved.

This applies, not to the rights of the majority or of the minority, but to the rights of the whole people. And when the objects of the government are to protect and preserve the life and liberty and property of the whole people, the majority has no authority to so will or so order their rule as to take away the rights of the least and humblest individual in the State. The majority of the people have no right under our constitution, or under the Federal constitution, to declare as law that the

minority shall be slaves; and the fact that the majority should so declare would destroy the only really democratic element in the government, and would be a solemn mockery of every idea of Republicanism. It is the business, therefore, of Congress, wherever it has jurisdiction, to prevent by every constitutional means, the least attempt to establish an institution or a system of laws so opposed to all ideas of free government.

The repeal of the Missouri Compromise was a great wrong done to the Free States, and no benefit to the Slave States. It opened the door to every species of fanaticism, and to wild excesses, from the criminality of which an age of good deeds and good government could bring no atonement; and the urgent effort still made to force upon the people of Kansas a Constitution to which a vast majority are notoriously opposed, against every principle of justice and constitutional obligation, is lighting up there the flames of civil war, which may spread until the whole country shall become involved. It is not the business of Congress to make state constitutions, or to force any state into the Union with a constitution odious to its people. The Constitution gives to Congress a discretionary power over the admission of new states. It may admit or it may refuse to admit. It is the duty of Congress to prevent the admission of any more Slave States into the Union. Slavery has spread far enough. It has diffused itself over more territory, and has now more power over the Federal Government than the Fathers ever intended or expected. It is the duty of every free State to remonstrate against its further extension, and against the admission of any more Slave States. Congress has no right to interfere with it in the Slave States, but should confine it just where it is, with all its blessings and all its woes, by great walls of law, supported by all the powers of the national government.

Article 10 of the Constitution of the United States says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people."

President Madison well said—"The powers delegated by

the Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiations, and foreign commerce, with which last the power of taxation will for the most part be connected. The powers reserved to the several States, will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State."

The tendency of the action of the Federal Government, has been for many years, aided by the Federal Courts, to centralization, and to an absorption of a large share of the sovereignty of the States. It has trespassed upon the reserved rights of the States and of the people, assuming a jurisdiction over them, in the exercise of power never delegated. The Federal Government, so far as there is any sovereignty under our form of government, is sovereign and independent in the exercise of its delegated powers, and the the States are sovereign and independent in the exercise of their reserved powers. The safety of the States in the exercise of those powers in defence of the lives and properties, and liberties of the people, demands a firm, deliberate opposition and resistance to any attempt at usurpation or aggression by the Federal Government, its Courts, its officers or agents, upon the reserved rights of the States or the people.

The laws of Wisconsin declare "It shall be the duty of the Governor, and of all the subordinate officers of the State to maintain and defend its sovereignty and jurisdiction." The deliberate judgment of the highest judicial tribunal of the State as to the sovereignty and jurisdiction of the State, as to the reserved powers of the State and of the people, and as to the rights to liberty and property of its people, is the law, and must be sustained. Wisconsin is true to the Constitution. The people are loyal to the Constitution and to the Union. She will give to the Federal Government all its rights, to her sister States all their rights, and will insist upon her own. The people will never consent to disunion of the

States. They will aid in bringing back every State that forgets its loyalty. They will not consent to speculate upon a contingency in which disunion would be justifiable, or even excusable, but doing justice and demanding justice, they will continue to support the Constitution and the laws.

THE FEDERAL COURTS.

During the late financial difficulty my attention has been called to the oppressive character of the U. S. District Courts, in matters between individuals, growing out of or founded upon contracts, which come before them. By construction, no appeal or writ of error is allowed to the Supreme Court of the U. S. in any civil case between individuals when the amount involved in controversy is less than two thousand dollars. These courts are beyond the reach of the people. Their decisions, to a certain extent, are as arbitrary and absolute as a determination of the Czar of Russia. They have no sympathy for misfortunes among our citizens, and hundreds of men in good pecuniary circumstances, but without present available means, may be, and frequently have been ruined, by the speed with which judgments are entered and final process issued and executed. No attention is paid to the course of practice of the State courts, except so far as it facilitates the commencement and prosecution of suits. I submit to you the propriety of asking Congress to pass some law confining the business of these courts in cases arising on contract between citizens of different States, to those where the amount is over \$2,000.

CONCLUSION.

The pecuniary embarrassment and distress of the past few months, will work out a great good to the country. Business of almost every kind had been overdone. The great majority of business men were rejoicing in an imaginary, and not real, prosperity. Men ripe for wild speculations, found the speculations ripe to their hands. Every thing bore a fictitious value. Lands, products, manufactured fabrics, all things marketable, were valued above a real worth. The currency was inflated by over issues of bank notes. States were rich in the issue and sale of evidences of their debts. Railroad

directors and agents, were rich in speculations upon what they had plundered from stockholders, and stockholders in incorporated companies were rich in the fictitious value of their stocks. Sellers were rich in debts due for property sold, and buyers were rich in that abundance of credit which enabled them to get into debt. Men dealt recklessly and lived extravagantly, and forgot their obligations to each other, and higher obligations than those they owed to men.

Reverses came, as they always will come, following fast upon the heels of excess. There is a lesson to be learned from these experiences from which men may grow wiser and better. The great evil which lies back of all these exhibitions of successes and reverses, is in the tendencies of the age. The great mass of our people are learning to despise labor, forgetting that every dollar acquired by any other means than as a reward for honest industry, or well directed skill and enterprise in some honorable avocation or employment, is so much loss to some less lucky man. Too many are endeavoring to live without labor, and to get money without earning it. The people must learn to guard against these evils, as they learn to account for them, after they have come. Notwithstanding all that has been suffered, the country is substantially rich in real wealth. Wisconsin is rich in the abundance of her agricultural and mineral products; rich in her facilities for the transaction of business; in public improvements; in public and private charities; in educational institutions; in the intelligence and practical independence of her citizens; in her religious institutions; in an able and enlightened public press; in that large liberty, acknowledged by the law, and protected by the wisdom and prudence and independence of her courts of justice, and in ideas of equality which recognize the rights of every man as sacred, without regard to class, condition, creed or birth-place.

Her commercial interests are as vast in extent, as her resources are exhaustless. A great carrying highway is on her West, and another on her East, and iron roads, binding

together her rich growing cities, are traversing all her length and breadth. The farms of the people are like gardens, and her cities are set, like bright jewels, in the crown of her prosperity. Wise legislation, not for party purposes, but to redress grievances, protect rights, and to prevent evils; an honest and frugal administration of the government, and a due regard for the rights of all men, will enhance the enjoyment of all those blessings. I commend the great interests of the State and the people to your care, and to the overruling Providence of God. I shall co-operate with you in all useful and considerate legislation for the public benefit.

DR. ALEX. W. RANDALL

MADISON, Jan. 14, 1858.

Senate returned to the Senate Chamber, and
Adjourned.

SENATE CHAMBER, JAN. 16, 1858,)
10 O'CLOCK, A. M.,)

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Roll of Senators called.

Senators Bean, Warren, Martin and Walsh absent.

Journal of yesterday read and corrected.

Senators Kingston introduced the memorial for the removal of the County Seat of Juneau county.

Referred to Committee on Town and County Organizations.

Senator Joiner introduced the following resolution.

Resolved, That the Committee on State Affairs be instructed to enquire whether sufficient provision is made by law, to distribute to the various counties the laws of each Legislature,

and if not, to bring in a bill to authorize the Secretary of State to employ a special agent to do so, and to provide for the expenses thereof.

On motion of Senator Wheeler,

Referred to Committee on Legislative Expenditures.

Senator Bennett introduced the following resolution :

Resolved by the Senate, the Assembly concurring, That the notes of the legally established Banks of Wisconsin be receivable for State taxes and other public dues.

Resolved, further, That all gold and silver coin now in the hands of town, city, and county treasurers, which may have been collected for State taxes, shall be paid over as provided by law.

On motion of Senator Cook,

Rules were suspended,

And resolution taken up.

The ayes and noes on the question of suspension being demanded,

Were as follows :

Ayes—Messrs. Bennett, Boyd, Chase, Cook, Davis, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Shulteis, Simpson, Smith, Sutherland, Tucker, Wheeler and Worthington—20.

Noes—Messrs. Clark, Giles, Kimball, Pier and Virgin—5.

Senator Giles offered the following amendment :

Insert after the word Wisconsin, in the first resolution, the words, "who redeem their notes, and whose locality is definitely established and who have complied to the laws of the State.

Mr. Bennett offered to amend the amendment as follows :

By striking out, after the word established, "and easy of access."

On motion of Senator Davis,

The whole matter was laid over till Monday.

Mr. Chase offered the following resolution :

Resolved, That the Committee on Finance be requested to ascertain as to the necessity of providing by law for the payment of State taxes and interest on school loans and school lands in Wisconsin currency instead of specie, and that if, in the opinion of the Committee, such provision should be made, then that the Committee present a bill for that purpose at an early day.

Mr. Giles, on leave, submitted the following report :

The Committee on Legislative Expenditures, to whom was referred No. 3, S., A bill to provide for the auditing and payment of the postage of the Legislature and the State officers, have had the same under consideration, and report the same back without amendment, and recommend its passage.

H. H. GILES,

Chairman.

The rules were suspended, and

On motion of Senator Virgin,

No. 3, S., read a third time and passed.

The ayes and noes being required, were as follows :

Ayes—Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulties, Simpson, Smith, Sutherland, Tucker, Virgin, Wheeler and Worthington.

Senator Sutherland offered the following resolution.

Resolved, That there is hereby ordered of K. J. Fleischer, for the use of the Senate, in the Norwegian language, in pamphlet form, one thousand copies of each of the following Annual Reports :

The Governor's Message.

The Report of the Commissioners of School and University Lands.

The Superintendent of Public Instruction.

The Commissioner of State Prison.

The Regents of the University.

The Institution for the Education of the Blind.

The Institution for the Education of the Deaf and Dumb.

And the State Agricultural Society.

And that two thousand copies of each of the aforesaid Reports be ordered, for the use of the Senate, in the German language, of Charless Roeser, Bernhard Domschkie, and Hermann Linderman, collectively.

Provided the price of the said documents shall not exceed ten cents for every thirty-two pages of the English print, and shall be delivered to the Superintendent of Public Property, within sixty days from the passage of the resolution.

Senator Simpson offered the following resolution :

Resolved, That the Superintendent of Public Property be authorized to procure five dollars worth of postage stamps, for the use of the Lient. Governor, each member of the Senate, the Chief Clerk, and Sergeant-at-Arms.

The rules were suspended and the resolution taken up.

Senator Kimball moved to strike out five and insert "ten."

Which was not agreed to.

The resolution was then passed.

Senator Wheeler offered the following resolution :

Resolved, by the Senate, the Assembly concurring, That a special joint committee consisting of two members from the Senate, and three members from the Assembly, be appointed by the respective officers of the Senate and Assembly, to take into consideration that portion of the message of His Excellency the Governor, relating to the slavery question, and that such committee be instructed to report at an early day, for the action of the Legislature, such resolution or memorial upon that subject as it may deem expedient and proper.

Mr. Tucker, on leave, introduced

No. 8, S., A bill to amend Chapter 48, Session Laws 1856.

Read first and second time, and

Referred to Committee on Judiciary.

Senator Chase introduced the following resolution :

Resolved That the President of the Senate, and each Senator, and the Chief Clerk and the Seregeant-at-Arms be authorized to subscribe for a certain number of newspapers, the cost

of which shall not exceed \$15 in the aggregate; and that each person who so subscribes, shall present a list of papers so received by him, and the price of the same, respectively, to the Committee on Legislative Expenditures, who are hereby instructed to report a bill, at the proper time, to make the necessary appropriations to pay for the same.

Senator Bennett gave the following notice:

I give notice that, on to-morrow, or some subsequent day of the present session, I shall introduce a bill, to repeal Chap. 92 of the session laws of 1856, entitled "an act to amend Chap. 79 of the revised statutes."

Also,

I give notice that, on to-morrow, or some subsequent day of the present session, I shall introduce a bill, to amend Chap. 15 of the revised statutes.

BENNETT.

Senator Worthington presented the account of P. V. Bo-
vee.

Referred to Committee on Claims.

Senator Cook introduced the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate is authorized and required to employ one man, for and during the session, to fold and enclose documents and papers for distribution by the Senators and the President of the Senate, with a compensation not exceeding \$ — per day, for such services.

Resolution,

No. 4, S.

Relating to Chaplain,

Taken up.

Mr. Kimball offered the following substitute:

That the Senate now proceed to the election of chaplain of the Senate.

Laid on the table.

The report of the Committee on amendment of Rules was taken from the table.

On motion of Senator Giles,
The first amendment proposed to Rule 29 was stricken out
On motion of Senator Wheeler,
The second amendment proposed to rule 29,
Was amended by striking out the words "to take from the table."

The proposed amendment to rule 30 was stricken out.

The report, as amended, was then adopted.

Senator Schulteis offered the following resolution :

Resolved, That the Sergeant-at-Arms of the Senate be instructed to keep open the Hall of the Senate till 10 o'clock in the evening, during the session of this Legislature.

Rules were suspended, and

On motion of Senator Schulteis,

Resolution laid on the table.

Senator Sutherland offered the following resolution :

Resolved, That the Superintendent of Public Property be requested to clean out the stove pipe, and relieve the Senate Chamber of smoke as soon as possible.

Rules suspended.

Resolution passed.

On motion,

Senate adjourned till Monday P. M., at 3 o'clock.

SENATE CHAMBER, JAN. 18, 1858, }
3 O'CLOCK, P. M., }

Senate met pursuant to adjournment.

Liéut. Governor in the Chair.

Roll of Senators called.

Senators Davis, Greulich, Kimball, Martin, Warren, and Walsh absent.

Journal of Saturday read and corrected.

Senator Kingston presented No. 5 S. the memorial of H. G.

Williams and others for removal of County seat of Juneau County.

Also

No. 6 S., the memorial of James Cooper and others praying for the same.

Referred to committee on Town and County organization.

Senator Shulteis introduced

No. 4. S. *Memorial* of the Finance Committee and Mayor of the city of Milwaukee for an act extending the time of collecting taxes in Milwaukee.

Referred to committee on Judiciary.

Also,

No. 9 S. A bill to amend an act entitled "An act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved February 20th 1852.

Which was read the first and second times and referred to committee on Judiciary.

Senator Davis on leave introduced

No. 10 S. An act to prevent obstructions in the Wisconsin River.

Which was read the first and second times, and

Referred to Committee on Roads, Bridges and Ferries.

The resolution concerning Chaplain of the Senate was then taken up.

The ayes and noes being called for and ordered on the amendment of Senator Kimball,

Were as follows:

Ayes—Messrs. Clark, Cook, Giles, Kimball, Mears, Pier, Tucker and Wheeler—8.

Noes—Messrs. Bean, Bennet, Boyd, Chase, Davis, Hanchett, Joiner, Kingston, McClellan, Maxon, Proudfit, Shulteis, Simpson, Smith, Sutherland, Virgin, Warren and Worthington—18.

The amendment was lost.

Senator Clark proposed the following as an amendment:

Resolved, That the presiding officer of this body be requested to invite the Rev. Mr. Eggleston to officiate as Chaplain to the Senate during the session,

Senator Simpson moved to substitute the name of Mr. Britton for that of Mr. Eggleston.

Mr. Clark accepted the substitute.

The resolution was then lost.

The ayes and noes having been called and ordered on the original resolution, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren. Wheeler, Worthington—23.

Noes—Messrs. Cook, Maxon, Pier, Walsh—4.

The resolution was adopted.

Resolution No. 5 S. was then taken up,

Which, on motion of was laid on the table.

Joint Resolution No. 6 S. was then taken up,

On motion of Senator Sutherland laid on the table.

Resolution No. 7 S. was taken up.

On motion referred to Committee on Finance.

Resolution No. 8 S. taken up.

Senator Cook offered the following amendment:

“And that one thousand copies of each of the aforesaid reports be and hereby are ordered, for like use, in the Holland language, of Jacob Quintus.

Senator Sutherland moved to refer to Committee on Legislative Expenditures.

So referred.

Resolution No. 10, S., was then taken up.

Senator Virgin moved to strike out “15,” and insert “five.”

Senator Smith moved to substitute “10.”

Senator Wheeler offered the following as a substitute.

Resolved, That the President of the Senate invite the resident publishers of the newspapers, daily and weekly, of this State to furnish the members of the Senate with their newspapers respectively, during the present session.

Which was lost.

The question being on the substitute of Senator Smith, and the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—16.

Noes—Messrs. Clark, Cook, Kimball, Kingston, Maxon, Mears, Proudfit, Schulteis, Simpson, Tucker, Walsh—11.

The question being on the resolution as amended, and the ayes and noes being ordered, were as follows:

Ayes—Messrs. Bean, Boyd, Chase, Clark, Hanchett, Joiner, Kimball, Kingston, McClellan, Proudfit, Schulties, Smith, Tucker, Walsh, Wheeler.—15.

Noes—Messrs. Bennett, Cook, Davis, Giles, Maxon, Mears, Pier, Simpson, Sutherland, Virgin, Warren, Worthington—12.

The resolution was carried.

Resolution No 11, S., was taken up.

Senator Virgin moved to indefinitely postpone.

Carried.

Senator Sutherland offered the following Joint Resolution—No. 7, S.

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property be requested to retain two hundred copies of each of the Reports of the Boards of the Trustees of the Institutions for the Education of the Deaf and Dumb, and Blind, for the use of said Institutions.

Senator Chase offered the following resolution:

Resolved, That the Superintendent of Public Property be requested to furnish to the Lieut. Governor, each Senator, Chief Clerk, Sergeant at-arms, Post Master, and their assistants, with copies of the following reports in quantities as follows, to wit:

REPORTS OF 1856.

Report of State Medical Society,	10 copies.
“ “ Geologist,	“ “

“ “ Historical Society, 1857.
1857.

Report of State Treasurer. 50 copies.

“ “ Secretary of State, “ “

“ “ Trustees Institution Blind, “ “

“ “ State Sup't Public Instruction, “ “

“ “ Board Regents, “ “

Senator Tucker presented,

No. 5, S.,

The memorial of George Gale, for the establishment of a State Normal School and University at Galesville.

Referred to Committee on education, School and University Lands.

Also,

No. 6, S.,

A Memorial to give the right of redemption to mortgagees.

Referred to Committee on Judiciary.

Senator Tucker gave the following notice.

I give notice that, to-morrow or on some subsequent day, during the present session, I shall introduce a bill for an act to exempt certain University lands from taxation.

Also,

A bill for an act, to authorize the Mississippi, Black River and Lake Superior Rail Road Co., to build branches, and extending the time to build the first ten miles of said road.

Senator Proudfit on leave introduced,

No. 16, S.,

A bill to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

Which was read the first and second time,

And

Referred to Committee on State Affairs.

Senator Chase on leave introduced,

No. 17, S.,

A bill to amend Chapter 373 of the Private and Local Laws of 1856, entitled an act to incorporate the North-Western Insurance Co. of Racine.

Which was read the first and second times, and
Referred to Committee on Incorporations.

Senator Hanchett, on leave, introduced
No. 48 S.,

An act to provide for the publication and distribution of the
laws of Wisconsin, concerning the organization and govern-
ment of towns.

Which was read first and second times, and
Referred to Committee on Judiciary.

Also,

No. 19 S.,

An act to change the time of holding the terms of the Cir-
cuit Court in the county of Portage.

Which was read first and second times, and
Referred to Committee on Judiciary.

Also,

No. 20 S.,

An act to repeal chapter 205 of the Private and Local laws
of 1857, being an act to provide for the assessment of taxes in
the counties of Portage and Marathon, and to repeal the act
therein named.

Which was read the first and second times, and
Referred to Committee on Judiciary.

Also,

No. 15 S.,

An act to repeal an act relating to the assessment of taxes in
the county of Wood, approved March 5th, 1857.

Read first and second times, and

Referred to committee on Judiciary.

Senator Wheeler on leave introduced.

No. 13 S. A bill for an act to Act to regulate "voluntary
assignments with a view of insolvency" approved March 7th
1857.

Which was read the first and second time and referred to
committee on Judiciary.

Senator Kingston on leave introduced

No. 14 S. An act to legalize certain roads therein named and declaring the same to be State Roads.

Which was read the first and second times and referred to committee on Judiciary.

Also,

No. 12, S. An act to provide for the removal of the county seat of Juneau county.

Which was read first and second times, and referred to committee on Town and County organization.

Senator Clark from Special Committee, on the contested seat from the 14th district, submitted the following

REPORT

Of the Standing Committee on Privileges and Elections in the Senate; in the matter of the contested election in the fourteenth Senate District.

The Committee on Privileges and Elections, to whom was referred the matter of the contested election in the fourteenth Senatorial District, beg leave to submit the following report

The persons claiming to have been elected and entitled to the seat in this body from the fourteenth Senatorial district, are William T. Butler, who claims under and by virtue of a certificate from the Clerk of the Board of County Supervisors of Jefferson County, which is regular in form and properly attested; and William Chappell, who claims under and by virtue of a certificate from a Board of District Canvassers, which is based upon the supposition that the fourteenth Senatorial District is composed of parts of two counties; and is made in accordance with the law in such case made and provided.

The following statement of facts will explain the cause which has led to the presentation of the conflicting certificates above mentioned:

At the regular session of the State Legislature, held in the year 1856, an act was passed, detaching five towns, to wit:—Portland, Shields, Lebanon, Emmet, and Ashippun, and two wards, to wit: the fifth (5) and sixth (6) wards of the city of

Watertown, from the county of Dodge, and annexing the same to the county of Jefferson—said act dividing, and annexing to take effect and be in force from and after the first Tuesday in July, 1856.

At the adjourned session of the same year and after the above named act was supposed to be in force; an apportionment bill was passed, dividing the State into Senate and Assembly districts. By one of the provisions of the apportionment bill of 1856, the above named towns, to wit: Portland, Shields, Emmet, Lebanon, and Ashippun; and the fifth, and sixth wards of the city of Watertown, together with the towns of Waterloo, Milford, Watertown, and Ixonia; and the first, second, third, and fourth wards of the city of Watertown, were formed into an and constituted the fourteenth Senatorial district, and described as being in the county of Jefferson.

Subsequently, to wit, in September, A. D. 1857, upon an information filed for the purpose of testing the right of a party to hold, and exercise the duties of, the Office of Clerk of the Board of Supervisors of Jefferson county, the Supreme Court of the State decided, that inasmuch as the United States Survey showed the area of the county of Dodge to be not greater than nine hundred square miles; and the Constitution of the State prohibited the division of any county not having an area greater than nine hundred square miles, without first submitting the question of such division to a vote of the qualified electors of said county; and as the question of division was never submitted to the electors of said Dodge county, and no evidence to show the area of the county to be greater than appeared by the United States Government survey. That survey was presumed to be correct, and the act of 1856 dividing Dodge county was prima facie, unconstitutional and void.

The certificate presented by William T. Butler, is from the Clerk of the Board of Supervisors of Jefferson county, founded on a canvass made by the Board of Canvassers of Jefferson county, and certifies simply to the fact that Wm. T. Butler had

received the highest number of votes in the Fourteenth Senatorial District, without designating what Towns and Wards constituted said District, or whether the canvass was of the whole District or only a part.

The certificate presented by William Chappell, is from the Board of District Canvassers of the Fourteenth Senatorial District, comprising parts of Dodge and Jefferson counties, and is founded upon a canvass of the returns of all of the Towns and Wards which by the apportionment bill of 1856, were designated to constitute the Fourteenth Senatorial District, and by this certificate it appears that that portion of the District which was situated in the county of Jefferson, as that county was constituted prior to the act of 1856, extending the boundaries of that county, cast one thousand three hundred and seventy-nine votes, (1379,) of which number

William Chappell, received,	384 votes.
Wm. T. Butler, " " " "	542 " "
Jacob J. Enos, " " " "	453 " "

The whole number of votes cast in those towns and wards situated in the county of Dodge and comprising a part of said fourteenth district was nine hundred and forty three, of which number

William Chappell	received	402 votes.
William T. Butler	" " " "	229 " "
Jacob J. Enos	" " " "	312 " "

The whole number cast in the district was two thousand three hundred and twenty two. (2322.) Of which number

William Chappell	received	786 votes.
William T. Butler	" " " "	771 " "
Jacob J. Enos	" " " "	765 " "

Showing that upon a full and prima facia fair canvass of all of the towns and wards in the Fourteenth senatorial district William Chappell appears to have a majority of fifteen votes over the highest opposing candidate.

The decision of the Supreme Court annulling the act of 1856 dividing the county of Dodge, placed the canvassing of the re-

turns of the towns of Portland, Shields, Emmet, Lebanon, and Ashippun, and the 5th and 6th wards of Watertown, beyond the legitimate power of the Board of Canvassers of the county of Jefferson, and that Board of Canvassers could consequently canvass only the returns of the towns of Waterloo, Milford, Watertown, Ixonia, and the first, second, third and fourth wards of the City of Watertown, and such seems to have been the limit of their action in the matter, and the certificate upon which William T. Butler claims his seat appears to be founded on a canvass of the returns of the towns of Waterloo, Milford, Watertown, Ixonia, and the first, second, third, and fourth wards of the City of Watertown, from a tabular statement made by the Clerk of the Board of Supervisors of Jefferson County, annexed to the certificate presented by William Chappell.

The apportionment bill of 1856 constitutes the whole of Dodge County, as the Twenty-Second Senatorial District, after having sett off the above named five towns, and two wards, as a part of the Fourteenth Senatorial District.

It is evident from the construction of the Fourteenth District, as defined in the apportion bill, that the Legislature, when they passed that bill, believed that the law previously passed by them, dividing Dodge County, was binding; and in the construction of the Twenty-Second District, it was evidently the intention of the Legislature to include only that portion of Dodge County which remained after setting off the five towns and two wards.

The power of the Legislature to constitute a Senatorial District from parts of two Counties is undoubted; and the decision of the Supreme Court annulling the act, dividing the County of Dodge, could not affect the territorial limits of the Fourteenth Senatorial District; and it is clear, from the returus canvassed by the District Board, that there existed no difference of opinion among the voters of those five towns and two wards, as to which District they properly belonged; as there were no votes cast there for any candidate for Sena-

tor, except those candidates running in the Fourteenth District.

Your committee have presented a statement of all the facts in the case that have been presented before them, and the law as applicable to those facts and circumstances, and leave the Senate to decide upon the rights of the matter.

Your committee are of the opinion that Mr. Butler cannot be equitably admitted into this body upon the evidence so far presented—and that if admitted it will be only on technicalities and your committee are unanimously of the opinion that upon the face of the papers presented, William Chappell is justly entitled to the seat as the Senator from the fourteenth Senatorial district.

Your committee therefore recommend that William Chappell having by the full returns from all the towns and wards constituting the fourteenth Senatorial district, received the highest number of votes, and therefore upon the face of papers and in conformity with the law, is equitably entitled to admission as the member from that district, be declared the sitting member from the fourteenth district; and that William T. Butler be permitted to show cause, if any there be, why said Chappell should be ousted from said seat, and he (Butler) admitted in his stead.

That said Butler may be permitted to take depositions of any witness or witnessess, before any Judge, Court Commissioner, or Justice of the Peace, within the fourteenth Senate district, upon six days notice to Mr. Chappell, of the time and place of taking such deposition or depositions and that the deposition or depositions thus taken, may be read in evidence before the Senate in contesting the seat of Mr. Chappell; and that the depositions thus taken, be returned to the Senate, as provided in section two, (2) chapter forty-one (41) of the General laws of 1853.

TEMPLE CLARK,
Chairman of Committee.

On motion of Senator Giles laid on the table, and ordered printed.

Senator Bean on leave introduced,

No. 11, S. A bill to repeal chapter 92 of Session Laws of 1856, entitled, "An Act to amend chapter 79 of the Revised Statutes."

Which was read first and second time and referred to committee on judiciary.

On motion Senate adjourned.

SENATE CHAMBER, }
Jan. 19th, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Eggleston.

Roll of Senators called.

Messrs. Warren, Martin and Greulich absent.

Journal of yesterday read and approved.

Senator Mears on leave introduced,

The memorial of Wm. B. Newcomb, Benjamin Allen, and other citizens of Dunn Co., for a division of said county.

Which was referred to committee on Town and County organization.

Senator Bennett introduced the following joint resolution :

No. 9, S.,

Resolved by the Senate, the Assembly concurring, That a joint committee consisting of two from the Senate, and three on the part of the Assembly, be appointed to prepare joint standing rules for the government of the two houses.

Rules suspended, and

Resolution adopted.

Senators Bennett and Simpson were appointed such committee on the part of the Senate.

Senator Cook introduced the following resolution :

Resolved, That the Senate do now proceed to the election of a President, *pro tem.*

Rules suspended.

On motion of Senator Giles,

Laid on the table.

Senator Sutherland introduced the following joint resolution :

No. 10 S.,

Resolved by the Senate the Assembly concurring, That the Judiciary Committees of the two Houses of the Legislature be authorized to act jointly in the examination of the manuscript of the Commissioners of the Revision of Statutes, and that they are hereby instructed to report to the Legislature at as early a day as possible.

Also,

The following resolution:

No. 15 S.,

Resolved, That the report of the Joint Committee for Investigation made to the Governor in September, 1857, be reported to the Senate, and printed in the Journal.

Senator Wheeler introduced the following resolutions :

No. 16 S.,

Resolved, That the Secretary of State be requested to report to the Senate, at an early day, the number of acres of swamp lands which have been sold in each county in this State; the amount of monies received therefor; and the average price per acre at which the same was sold.

Resolved, That the Chief Clerk of the Senate be directed forthwith to transmit to the Secretary of State a copy of these resolutions.

Rules suspended, and

Resolution adopted.

Resolution No. 7 S. was then taken up.

Sen. Sutherland moved to substitute the following Resolution.

Resolved, That the Superintendent of Public Property be

requested to deliver to the Trustees of the institutions for the education of the Blind and Deaf and Dumb 500 copies of each of their annual reports for the use of said Institutions.

Which was adopted.

Resolution No. 14 S. taken up.

On motion laid over one day.

Sen. Worthington introduced the following resolution.

No. 17 S.

Resolved, That the Sergeant at Arms be instructed to deposit in the office of the Secretary of State, one hundred copies of the rules of the Senate, for the use of the Senate at their next session.

Sen. Sutherland introduced the following resolution :

Resolved, That the Superintendent of Public Property be requested to deliver to each member of the Senate, the Lieut. Governor, the Chief Clerk, and Sergeant-at-Arms, one copy of the Private and Local Laws for the year 1857.

On motion of Sen. Wheeler

Joint Resolution No. 2 S. was taken from the table.

Sen. Cook moved to amend by striking out '1' and inserting '5' Local Laws.

Which was adopted.

Sen. Sutherland moved to amend by adding "and one copy of the appendix to Local laws."

Which was also adopted.

The resolution as amended was then adopted.

Sen. Cook gave the following notice :

"I will at a future day ask leave to introduce a bill, to authorize, and empower the Common Council of the city of Sheboygan, to widen and otherwise improve the Sheboygan river, east of 8th street bridge in said city.

Senator Chase, from committee on judiciary, reported back,
No. 1. S.,

With recommendation that it pass.

Also,

No. 4, S.,

With recommendation that it pass.

Rules dispensed.

Bill read third time.

Passed.

Title agreed to, and,

Ordered engrossed.

Also,

No. 9, S.,

With recommendation that it pass.

Also,

No. 19, S.,

With recommendation that it pass.

The report of special committee on the contested election from the 14th district, was,

On motion of Senator Sutherland then taken up.

Senator Proudfit moved the adoption of the report.

Senator Bean moved to substitute the following:

"That the report be referred back to the committee on privileges and elections, with instructions to send for persons and papers, and to authorize William T. Butler, William Chappell, and Jacob J. Enos, to take depositions and present such testimony relating to the matter in controversy as they shall deem proper, and that said committee be instructed to report the facts to the Senate at as early a day as practicable."

The following message was received from the Assembly:

MR. PRESIDENT—

I am directed to inform you that the Assembly have concurred in the passage of Joint Resolution No. 9 S.

Also,

That the Assembly have passed

No. 3 S.,

A bill to provide for the auditing and payment of the postage of the members and officers of the Legislature and State Officers,

With amendments.

Amend section one by inserting the words "members of the"

before the word "Legislature," in the third line, and by inserting the words "and officers thereof," in the same line after the word Legislature.

On motion of Senator Bennett,

Senate adjourned till 3 o'clock. P. M.

3 o'clock, P. M.,

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

On motion of Senator Chase,

No. 3 S.,

Was taken up, and

The amendments of the Assembly concurred in.

Read third time,

Passed.

And title agreed to, and

Ordered engrossed.

The motion of Senator Bean, with regard to the report of the Committee on the contested election,

Was then taken up:

The ayes and noes were called and ordered, and were as follows:

Ayes—Messrs. Bean, Chase, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Virgin, Wheeler and Worthington—11.

Noes—Messrs. Bennett, Boyd, Clark, Cook, Greulich, Kingston, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland and Tucker—15.

The amendment was lost.

Mr. Chappell, Senator elect from the 14th district, was admitted to his seat, and took the oath of office.

Senator Chase introduced the following resolution:

Resolved, That the Printer be requested to furnish the Senate with 50 copies of the Rules of the Senate as revised this session, without further delay.

The rules were suspended, and
Resolution adopted.

Sen. Giles on leave introduced
No. 25 S.

A bill to appropriate to H. C. Bull a certain sum of money.
Which was read the first and second times and
Referred to committee on Claims.

Sen. Mears introduced
No. 26 S.

A bill to divide the county of Dunn, and create the county
of Pepin.

Which was read the first and second times and
Referred to committee on Town and County organization.

On motion of Sen. Greulich the rules were suspended and
No. 9 S. taken up.

Which was read the third time—title agreed to—passed
and ordered engrossed.

Sen. Tucker on leave introduced
No. 23 S.

A bill for an act to exempt certain University lands from
taxation.

Which was read the first and second times, and

Referred to committee on Education, School and University
Lands.

Also,
No. 25 S.

A bill for an act authorizing the Mississippi Block river and
Lake Superior R. R. Co. to build branches, and extending the
time for building the first ten miles of the road.

Which was read first and second times, and,
Referred to committee on Railroads.

On motion, Senate went into committee of the whole on the
Governor's message.

After sometime spent therein,

The committee rose and made the following

REPORT:

Resolved, That so much of the Governor's Message, as relates to "Local Legislation" be referred to the committee on State affairs.

Resolved, That so much of the Governor's Message as relates to the "Revision of the Laws" be referred to the Judiciary committee with instruction to report to the Senate without delay, how soon the revisers will have their work completed.

Resolved, That so much of the Governor's Message as relates to the "sale of the State lands" be referred to the committee on Public lands.

Resolved, That so much of the Governor's Message as relates to 'Mineral interests' be referred to the committee on internal improvements.

Resolved, That so much of the Governor's Message as relates to "Public Instruction" and to the State University be referred to committee on Education, School and University lands.

Resolved, That that part of the message relating to "Banks and Banking," be referred to the Committee on Banks and Banking.

Resolved, That so much of the message as relates to "Slavery," be referred to the Committee on State Affairs.

Resolved, That so much of the Governor's message as relates to "Federal Courts," be referred to the Judiciary Committee.

Resolved, That so much of the message as relates to the "5 per centum on the sale of Government Lands in this State," be referred to Committee on Education.

Resolved, That so much of the Governor's message as refers to the "Assessment Laws," be referred to the Committee on Finance.

Resolved, That so much as refers to the subject of "Agriculture," be referred to the committee on agriculture, with instruc-

tions to report a memorial to Congress in accordance with the suggestions of the Governor.

Resolved, That so much as refers to "Benevolent Institutions, be referred to committee on State Affairs.

Resolved, That so much as relates to "Fox and Wisconsin River Improvement," be referred to the committee on Internal Improvements.

Resolved, That so much as refers to the "Contracting of debts by Corporations," be referred to committee on Incorporations.

Resolved, That so much of the Governor's Message as relates to "Militia and State Arms" be referred to committee on Militia.

Resolved, That so much of the Governor's Message as relates to "Tresspassers on State lands" be referred to the committee on Public lands.

Resolved, That so much of the Governor's Message as relates to the "Pacific Railroad," be referred to the Committee on Railroads.

Resolved, That so much of the Governor's message as relates to "charges of corrupt conduct in the Legislature, which disposed of the grants of land donated to this State for Railroad purposes," be referred to the Committee on Railroads.

Resolved, That so much of the message as refers to "amending the law on gambling," be referred to the Committee on Expiration and Re-enactment of Laws.

Senator Cook moved to amend report of committee by referring that portion of the message relating to the amendment of the laws upon gambling to the committee on judiciary.

Which was adopted.

Senator Joiner moved to amend by referring that portion relating to the mining interests, to the committee on roads, bridges and ferries.

Which was carried.

Senator Simpson moved to amend by referring that portion concerning the subject of Slavery to the committee on Militia.

The ayes and noes being ordered were as follows :

Ayes—Messrs. Clark, Cook, Maxon, Mears, Proudfit, Shulteis, Simpson, Tucker—8.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Virgin, Walsh, Wheeler, Worthington—17.

So the amendment was lost.

The report of the Committee as amended was then accepted and concurred in.

Message from the Assembly.

Mr. President: *(interrupted) adj. to day*

I am directed to inform you that the Assembly has passed No. 30 A., a bill for an act to amend an act entitled "an act to change the names of Elizabeth Brooks, and Virginia Brooks," approved March 13th 1855, in which the concurrence of the Senate is requested.

Senator Bennett on leave, introduced

No. 22 S., A bill for the relief of tax-payers.

Which was read first and second times, and

Referred to Committee on Judiciary.

Senator Davis on leave introduced

The petition of Thomas Robertson and 94 other citizens of Caledonia, Columbia County, for a new assessment of the real estate and personal property of said town.

Referred to Committee on State Affairs.

On motion Senate adjourned

SENATE CHAMBER.

Jan. 20th 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Britton.

Roll of Senators called.

Senators Hanchett, Proudfit, and Warren absent.

Journal of yesterday read and corrected.

Senator Giles introduced the following resolution :

No. 18 S.

Resolved, That the committee on Public lands be instructed to report a bill at an early day suspending all further sales of Swamp and overflowed lands except to actual settlers and in limited quantities.

Senator Kingston introduced the following resolution :

No. 19 S.

Resolved, That a committee of three be appointed, whose duty it shall be to collect statistics in relation to the lumbering and fishing interests in the State, and report the same to the Senate.

Senator Kingston introduced the following joint resolution
No. 12 S.

Resolved by the Senate, the Assembly concurring, That the joint committee on State affairs be authorized to visit the State Institution for the education of the Blind and Deaf and Dumb, and report their condition and wants to the Legislature at as early a day as possible.

The following resolution was then taken up :

Resolved, That the Senate do now proceed to the election of a President *pro tem*.

And on motion,

Adopted.

Senators Bean, Bennett, Boyd, Chase, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Wheeler and Worthington—15,

Voted for Senator Giles.

Senators Chappell, Clark, Cook, Greulich, Maxon, Mears, Schulteis, Tucker and Walsh—9,

Voted for Senator Simpson.

Senator Giles voted for Senator Worthington.

Senator Simpson voted for Senator Clark.

Senator Giles took the Chair.

Resolution

No. 17 S., was then taken up, and

On motion, passed.

Joint resolution

No. 10 S., taken up, and

On motion, adopted.

Resolution,

No. 15 S., taken up, and

On motion, adopted.

Senator Clark introduced the following resolution:

Resolved, That William Chappell be permitted to take depositions of any witness or witnesses, before any Judge, Court Commissioner, or Justice of the Peace, within the 14th Senate District, upon three days notice to the contestant, Mr. Butler, of the time and place of taking such deposition or depositions, and that the evidence thus taken be read in evidence before the Senate on the final hearing of the contested seat question between Mr. Chappell and Mr. Butler; and that the depositions so taken be returned to the Senate according to law. Said testimony to be taken within twenty days.

Rules suspended, and

Motion adopted.

Message from the Assembly.

MR. PRESIDENT:—I am directed to present to you for signature,

No. 3, S.

For the auditing and payment of the postage of the members and officers of the Senate and Assembly and State officers.

Which has been signed by the Speaker.

I am also, directed to inform you that Messrs. Webb, P. H. Smith and Easton are appointed as the committee on the part of the Assembly to revise the joint rules, under joint resolution, No. 9, S.

Senator Giles on leave introduced,

No. 28, S.

A bill to appropriate a sum of money to Wm. H. Brisbane for opening the present session of Senate.

Which was read the first and second times, and,

Referred to committee on claims.

Senator Hanchett on leave introduced,

No. 29, S. (The joint committee on enrolled bills report that they have

An Act to legalize and provide for the collection of taxes in the county of Portage for the year, A. D. 1857.

Which was read first and second times, and,

Referred to committee on judiciary.

Senator Smith from committee on enrolled bills, submitted the following

REPORT:

The joint committee on enrolled bills report that they have examined,

Senate bill, No. 3.

A bill for the auditing and payment of the postage of the members and officers of the Senate and Assembly and State officers, and find the same correctly enrolled.

W. E. SMITH, Ch'n Sen. Com.

W. C. WEBB, Ch'n Assem. Com.

Jan. 20, 1858.

Senator Chase from the committee on Judiciary submitted the following report:

The Judiciary committee report back

No. 7 S.,

No. 8 S., and

No. 13 S., and

Recommend that they do pass.

C. S. CHASE,

Chairman.

Senator Davis submitted the following report:

The Committee on State Affairs, to whom was referred the petition of Thomas Robertson and others, herewith report a bill granting the prayer of the petitioners.

M. M. DAVIS,

Chairman.

On motion of Senator Davis

The rules were suspended.

No 3 S. was then taken up, ordered engrossed, read third time, passed and title agreed to.

The ayes and noes being demanded were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin, Walsh, Wheeler, and Worthington.

Senator Kimball submitted the following report :

The committee to whom was referred "A bill to amend chapter 373 of the private and local laws of 1856, entitled 'an act to incorporate the North Western Insurance Company of Racine,'" beg leave to report that they have had the same under consideration, and report it back with the recommendation that it pass.

M. L. KIMBALL,

Chn. Com. Incorporations.

Senator Clark, on leave, introduced

No. 30, S.

A bill to increase the jurisdiction of the County Court of Manitowoc County.

Which was read the 1st and 2d times, and

Referred to the Committee on Judiciary.

Message from the Assembly.

No 30, A.

Was then taken up.

Read 1st and 2d times, and

Referred to the Committee on State Affairs.

Resolved, That the Superintendent of Public Property be instructed to clear the small room adjoining the Treasurer's office, formerly a part of the School Land office, for the use of the Senate Committees, unless occupied by some of the State Officers, and if so occupied report to the Senate without delay by whom occupied, and for what purpose.

Rules suspended.

Resolution adopted.

Senator Smith submitted the following report :

The Committee on Enrolled Bills report that Senate Bill

No. 3, has been presented to the Governor for his approval.

W. E. SMITH, *Chairman Senate Committee.*

W. C. WEBB, *Chairman Assembly Committee.*

January, 20th, 1858.

On motion Senate went into committee of the whole on the general file.

The committee rose and reported back

No. 7 S. with an amendment.

No. 8 S.

No. 17 S.

No. 19 S.

No. 21 S. without amendment.

Said bills were then severally ordered engrossed and read a third time.

Also,

No. 18 S.

With recommendation that it be returned to the general file.

Senator Worthington on leave introduced

No. 27 S.

A bill to incorporate the Waukesha Savings Bank.

Which was read the first and second times and

Referred to committee on Banks and Banking.

Senator Virgin on leave introduced joint resolution

No. 11 S.

The rules were suspended and

Resolution adopted.

Senate adjourned.

SENATE CHAMBER, }
Jan. 21st, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Brooks.

Roll of Senators called.

Messrs. Clark, Martin and Proudfit absent.

Journal of yesterday read and corrected.

Senator Sutherland presented

Memorial of the President and Secretary of the Norwegian Evangelical Lutheran Synod of the State of Wisconsin.

Which was referred to the Committee on Incorporations.

Senator Giles introduced the account of the Wisconsin State Telegraph Company.

Which was referred to the Committee on Claims.

Senator Davis presented the account of A. D. Smith.

Which was referred to the Committee on Claims.

Also,

The account of John Ware.

Referred to Committee on Claims.

Senator Tucker presented the memorial of the Common Council of the City of La Crosse

Which was referred to the Committee on Finance.

Senator Chase introduced the following resolution :

No. 20 S.,

Resolved That two thousand copies of the Governor's Message be printed in pamphlet form for the use of the Senate.

Resolution No. 14, S., was then taken up, and

On motion,

Referred to Committee on Printing.

Senator Worthington introduced the following resolution :

Resolved, That so much of the Governor's Message as relates to Public Printing be referred to the Committee on Printing.

Rules suspended, and

Resolution adopted.

Resolution No. 19, S., was then taken up, and

Adopted.

Senators Kingston, Cook and Mears were appointed said committee.

Resolution No. 18, S., was then taken up, and

Adopted.

Senator Mears introduced

No. 34, S.

A bill to divide the county of Chippewa, and create the county of Flambeau.

Which was read the 1st and 2d times, and

Referred to Committee on Town and County Organization.

Also,

No. 41, S.

A bill to authorize Adin Randall to keep and maintain a Ferry across Chippewa River.

Which was read the 1st and 2d times, and

Referred to committee on roads, bridges, and ferries.

Also,

No. 42, S.

A bill to authorize Elias H. Galloway to keep and maintain a ferry across the Chippewa river.

Which was read the 1st and 2d times, and,

Referred to the committee on roads, bridges and ferries.

Also,

No. 40, S.

A bill to authorize Augustus Huyssen, Richard F. Wilson, and Carroll E. Spaffard, to maintain a ferry across Chippewa river.

Which was read the 1st and 2d times, and,

Referred to the committee on roads, bridges and ferries.

Also,

No. 39, S.

A bill for an act to appoint commissioners to lay out a State road therein named.

Which was read the 1st and 2d times, and,

Referred to the committee on roads, bridges and ferries.

Senator Sutherland introduced resolution

No. 21, S.

Resolved, That reports of committees on bills shall designate the title of the bill, as well as the number thereof.

Senator Sutherland on leave introduced

No. 37, S.

A bill to incorporate the Norwegian, Evangelical Lutheran Synod of the State of Wisconsin.

Which was read the 1st and 2d times and

Referred to the Committee on Incorporations.

Senator Kingston, on leave introduced

No. 38 S.

An Act to change the time for holding Circuit Court in the County of Adams, and to fix the time for holding the same in the County of Juneau.

Which was read the 1st and 2d times and

Referred to Committee on Judiciary.

Senator Smith, on leave, introduced

No. 32 S.

A bill to amend an Act entitled, "An Act to establish the name and heirship of an infant whose name is unknown," approved February 24th, A. D. 1857.

Which was read the 1st and 2d times.

On motion of Senator Bean,

Rules suspended.

Ordered engrossed, and read the 3d time.

Passed, and title agreed to.

Senator Chase submitted the following

REPORT.

The Judiciary Committee report favorably upon the petition of Margaret Muir and others, for the right to convey certain lands, and herewith present a bill to that effect.

C. S. CHASE,

Chairman.

No. 33 S.

Was then taken up and

Read 1st and 2d times.

On motion of Senator Worthington

Rules suspended and bill put upon its passage.

Ordered engrossed and read a third time, passed and title agreed to.

Senator Sutherland submitted the following

REPORT:

The Committee on Education, School and University Lands to whom was referred Bill No. 6 Senate, a Bill to incorporate Kilbourn University, report the same with amendments and recommend its passage.

J. S. SUTHERLAND,

Chairman.

Senator Wheeler submitted the following

REPORT:

The Committee on Railroads, to whom was referred the portion of the message of His Excellency the Governor which relates to "charges of corrupt conduct in the Legislature which disposed of the grants of land donated to the State for Railroad purposes," have had the same under consideration, and have conferred with a select committee of the Assembly appointed for a like purpose. Your Committee report as the result of such conference that it is the unanimous opinion of both committees immediate action should be taken for the investigation of the charges mentioned in the message, and that a joint resolution has been unanimously agreed upon by the two committees, designating a plan of action therefor—which resolution will be presented to the Assembly at its session to-day by the chairman of the select committee appointed by that body. Your committee earnestly recommend the passage of such joint resolution, and the immediate appointment of the committee named therein.

E. WHEELER,

Chairman.

Senator Simpson submitted the following

REPORT:

The Committee on Roads, Bridges and Ferries, to whom was referred Senate Bill No. 10, "An act to prevent obstructions in the Wisconsin River," have had the same under consideration, and report the same back with an amendment, in which they ask the concurrence of the Senate, and when

amended as proposed, the committee recommend the passage of the bill.

P. B. SIMPSON,

Chairman.

Senator Pier submitted the following

REPORT:

The Joint Committee on Claims of both Houses have had under consideration Senate bill No. 28 a bill to appropriate to Wm. H. Brisbane the sum of fifty dollars in full, for services rendered in opening the present session of the Senate, and instructed me to report the same back to the Senate, with a recommendation that it do pass.

On motion of Senator Pier, E. PIER, Ch'n.

No. 28 S. was then taken up.

Which was read the first and second times.

On motion of Senator Davis,

Rules were suspended.

Senator Bennet moved to amend by adding "and twenty-five dollars to Harrison Reed, for his services as Assistant Clerk.

The ayes and noes being ordered were as follows:

Ayes—Messrs. Bennett, Chappell, Cook, Davis, Joiner, Maxon, Mears, Schulteis, Simpson, Tucker and Virgin—11.

Noes—Messrs. Bean, Boyd, Chase, Giles, Greulich, Hanchett, Kimball, Kingston, McClellan, Pier, Proudfit, Smith, Sutherland, Warren, Walsh, Wheeler and Worthington—17.

The amendment was lost.

Read third time and passed.

The ayes and noes being as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler and Worthington—25.

Noes—Messrs. Cook, Maxon and Virgin—3.

Passed and title agreed to.

The following message was received from his Excellency, the Governor, and read.

EXECUTIVE OFFICE, MADISON, }
January, 20th, 1858. }

TO THE LEGISLATURE:

In compliance with the provisions of Article V, Section 6, of the Constitution, I herewith submit a report of the pardons granted during the past year, taken from the Executive Record, and from the papers found on file in this Department.

ALEX. W. RANDALL,
Governor.

Levi. B. Carle was indicted at the November term of the Rock County Circuit, 1856, for violation of the lottery laws, in disposing of a silver pencil at a gift book sale, at Janesville, in this State, and plead guilty to the indictment. On representations from the District Attorney of Rock county, and numerous citizens of Janesville, that the prisoner did not intend to violate the law, and did not know that he was so doing, a pardon was granted to the said Carle, January 13th, 1857.

Jacob Snider was committed to the Dane county jail on the 8th of January, 1857, in default of payment of a fine of \$20 for assault and battery. He was pardoned on the 12th of January, 1857, on the representation of the Mayor and one of the Aldermen of Madison, as too great provocation given him, and the poverty of his family.

Samuel Armour was indicted at the November term of the Waukesha County Circuit, 1856, for stealing a box of medicines at a fire in the village of Waukesha, in March of that year, and sentenced to 1 years imprisonment in the county jail. He was pardoned February 1st, 1857, on representations made by nearly all the county officers and supervisors, and many citizens, having been already confined in jail nine months awaiting trial.

Frank Magan was committed for 3 months to the Dane county jail, about the 14th of February, 1857, on a charge

of petit larceny. He was pardoned February 21st, 1857, on representations made by numerous respectable citizens of Madison.

Herman Daus was convicted of forgery in Racine, and sentenced in October, 1856, to two years imprisonment in the State Prison. He was pardoned Feb. 24th, 1857, in answer to a petition numerously signed, stating the general good conduct of the prisoner previous to the offence, the fact that his family were in the Poor House, and on the certificate of the State Prison Commissioner to the good conduct of the said Daus while in prison.

Hannah Higgins and Hannah Hurd were sentenced in the Milwaukee circuit court for larceny to 1 years' imprisonment in the State Prison, from March 1st, 1856. They were pardoned Feb. 26th, 1857, just previous to the expiration of their term of imprisonment.

Hennan Eilert was sentenced at the Waukesha Circuit, Dec. 1st 1853, for larceny in a shop, to two years' imprisonment in the State Prison. He was pardoned Feb. 26th, 1857, after 14 months imprisonment, on representations made by many citizens, the proper forms having been complied with in relations to pardons under the recent law.

Orin F. Place was convicted of grand larceny in the Rock Co. circuit, and sentenced to 1 year's imprisonment in the State Prison, from December, 1856, after having been nearly a year in jail, and pleading guilty to the charge when arraigned. On representations from the District Attorney of Rock Co., and from many citizens, and it appearing that the ends of justice would be aided by his pardon, he was discharged April 1st, 1857.

James and Rosanna McGrail were, on the 24th of February, 1857, committed to the jail of Jefferson county, in default of payment of fines and costs, amounting to about \$33,00, for malicious trespass and assault and battery. They were pardoned March 25th, 1857, on representations made by the

prisoners, and endorsed by the Mayor and Police Justice of Watertown, where they were convicted.

Robert A. Corston, a boy of 13 years, was sentenced, in the Milwaukee Circuit Court, for larceny, to imprisonment in the State Prison for one year from January, 1857. He was pardoned August 21st, 1857, on representations from the District Attorney of Milwaukee county, and others.

Samuel Moon was convicted at the Dane county Circuit Court of April, 1857, of assault and battery, fined \$30 and committed to jail in default of payment. He was pardoned June 12th, 1857, at the request of the Circuit Judge, the prisoner being unable to pay his fine.

William Delhanty was discharged from the Dane county jail July 23d, 1857, where he had been imprisoned for the non-payment of a fine of \$5. There are no papers on file in relation to his case.

The Executive record book shows that a pardon was issued July 28th, to Henry Rohde, convicted of larceny at Milwaukee, and sentenced to one year's imprisonment in the State Prison, from March 13th, 1857. No papers are on file in relation to the case.

Edward Fassbender was convicted at the February term of the Milwaukee Circuit Court, 1855, of the murder of Martin Schwister, and sentenced March 15th to imprisonment for life. He was pardoned December 28th, 1857. The papers on file in the case are as follows: Copy of sentence; petitions numerously signed, praying for the pardon, on the ground of strong provocation by the deceased; letter from the Circuit Judge, asking the pardon; affidavit of several persons not witnesses at the trial; letter of B. F. Smith: application by eight of the jurymen; copy of the Judge's minutes at the trial; application by all the conductors of the press in Milwaukee; letter from prisoner's wife to Hon. Chas. Billingshurst; certificate to Fassbender's character in Prussia; letter from Rev. J. M. Henni, enclosing one from the Prussian Charge' d' Affairs at New York; certificate by the State Prison Commissioner to the good conduct of prisoner.

John Lester was arrested and confined in the jail of Dane County on the 26th day of May last, on a charge of larceny from a shop. He plead guilty to the charge when arraigned at the November term, and was sentenced on the 16th of November, 1857, to 2 year's imprisonment in the State Prison. Before his committal to the State prison, on the petition of the Circuit Judge and several citizens of Madison, and upon the certificate of the Sheriff of Dane County to good conduct of the prisoner, he was pardoned December 21st, 1857.

John Kneeland and Frank Rausen were discharged from the Dane Co jail, Dec. 24th, 1857, after having been confined for five weeks in default of payment of a fine of \$30 adjudged against them in the Madison Police Court, for an assault and battery.

Michael Malley was discharged from the Dane Co. jail under like circumstances, Dec. 24th, 1857, having been in confinement since Nov. 6th.

James Lehan was discharged, Jan. 4th, 1855, from the Dane County jail, having been sent thither in default of payment of a fine of \$25 and accruing costs, for larceny. The petition for his release was numerously signed.

Message from the Assembly.

MR. PRESIDENT:—I am directed to inform you that the Assembly have passed

No. 4, S.

A bill to change the time for holding the circuit courts in the counties of Columbia and Jefferson, in the ninth judicial district.

With an amendment.

In which the concurrence of the Senate is requested.

And have concurred in the passage of

Joint Resolution No. 2, S.

Senator Giles, President pro tem., in the chair,

No. 4, S., was then taken up, and

The amendment of the Assembly concurred in.

No. 8, S., was then taken up, and

Ordered engrossed, and

Read a third time.

Passed, and title agreed to.

No. 21, S., taken up.

Ordered engrossed, and

Read a third time.

Passed, and title agreed to.

No. 19, S.

Ordered engrossed, and

Read a third time.

Passed, and title agreed to.

No. 17, S.

Ordered engrossed, and

Read a third time.

Passed, and title agreed to.

No. 7, S.

Ordered engrossed, and

Read a third time.

Passed, and title agreed to.

On motion of Senator Cook, the rules were suspended, and

No. 13, S., taken up.

Senator Cook offered,

No. 35, S., as a substitute.

Senator Sutherland moved that said substitute be printed, and the whole matter be referred to the committee on judiciary.

Which was agreed to.

Senator Virgin on leave introduced resolution

No. 22 S.

Resolved, That the judiciary committee be instructed to report a bill at as early day as possible, providing for such local legislation, as can be done by the County Board of Supervisors.

Senator Cook, on leave, introduced

No. 36 S.

A bill for an act to change the time of holding the fall term of the Circuit Court of Calumet county,

Which was read the 1st and 2d times, and
Referred to the Committee on Judiciary.
Senator Bean, on leave, introduced
Memorial
No. 9 S.

Memorial to Congress for the establishment of a mail route
from Whitewater, in Walworth county, to Columbia, in Colum-
bia county.

Which was read the 1st and 2d times.

Senate adjourned.

SENATE CHAMBER, }
Jan. 22d, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Roll of Senators called.

Senators Clark, Kimball and Martin absent.

Senator Tucker introduced the petition of Lars Oleson.

Referred to Committee on Claims.

Senator Boyd presented a petition to change the times of
holding the Circuit Court in Walworth County.

Referred to the Committee on Judiciary.

Senator Kingston introduced the following Resolution :

No. 23 S.,

Resolved, That the Judiciary Committee be instructed to en-
quire whether the lands of any private corporation in this
State are held not subject to taxation. If so held, whether
said lands are constitutionally exempt from taxation the same
as other lands are taxed. And if not constitutionally exempt,
to introduce a bill to authorize the several towns and counties
of this State to levy and collect taxes on said lands in the
same manner as are the lands of private individuals.

Resolution No. 20 S, was then taken up, and
Adopted.

Resolution, No. 21, S.,

Taken up and adopted.

Resolution, No. 22, S.,

Was then taken up.

Senator Bennett moved to amend, by striking out "can," and inserting "should."

Which was agreed to.

On motion of Senator Clark,

Referred to Committee on Judiciary.

Resolution, No. 5, S., was,

On motion,

Taken from the table and adopted.

Senator Cook introduced the following resolution:

Resolved, That the Post-Master of the city of Madison is requested, at his earliest convenience, to inform the Senate of the amount of daily postage charged to the State, since commencement of this session, and up to the date of the passage of this resolution.

Rules suspended,

Resolution adopted.

Senator Davis introduced, on leave,

Resolution, No. 24, S.,

Resolved, That the Committee on Education, School and University Lands, be instructed to report a bill for a uniform system of graded schools.

Senator Wheeler, on leave, introduced,

No. 43, S.,

A bill for an act to amend chapter 62 of the private and local laws of Wisconsin, for the year 1855, entitled "an act to authorize the Board of Supervisors of Winnebago county to issue bonds for the purposes therein named.

Which was read the 1st and 2d times, and

Referred to the Committee on Judiciary.

Senator Davis, on leave, introduced

No. 44, S.,

A bill to provide for payment for Reports of the Supreme Court, for the year eighteen hundred and fifty-six.

Which was read the 1st and 2d times, and

Referred to Comitétee on Claims.

Senator Proudfit, on leave, introduced No. 45, S.,

A bill to appropriate to George W. Mygatt a certain sum of money.

Which was read the first and second times, and

Referred to Committee on Claims.

Also, No. 46, S.

A bill to appropriate to Edwin Palmer a certain sum of money.

Which was read the 1st and 2d times, and

Referred to Committee on Claims.

Senator Bennett, pursuant to notice, introduced No. 47, S.

A bill to amend Chapter 15 of the Revised Statutes, in relation to the assessment and valuation of taxes.

Which was read the 1st and 2d times, and

Referred to Committee on Finance.

Senator Mears on leave introduced, No. 48, S.

A bill for an act to incorporate the city of Superior.

Which was read the first and second times, and

Referred to committee on incorporations.

Senator Warren on leave introduced, No. 49, S.

A bill to amend section 17 of chapter 299 of private and local laws of 1855.

Which was read the first and second times, and

Referred to committee on judiciary.

The following message from the Governor was then taken up.

EXECUTIVE DEPARTMENT, }
January 13th, 1858. }

To the Senate—

In compliance with a resolution adopted in the Senate Jan. 20th, I herewith transmit the report of the joint committee of investigation of the Legislature of 1857.

ALEXANDER W. RANDALL.

TO HIS EXCELLENCY, COLES BASHFORD, GOVERNOR OF THE STATE OF WISCONSIN:

SIR—In obedience to an Act of the Legislature, passed at its last session, authorizing the Joint Committee for Investigation to sit, after the final adjournment thereof, to investigate certain charges in relation to the official conduct of the Superintendent of Public Instruction, and to make Report to the Governor, the undersigned respectfully submit the following as the result of their labors.

And have the honor to be, with sentiments of respect,

Respectfully, Yours,

M. M. DAVIS,
S. D. HASTINGS,
H. A. TENNEY,

MADISON, Sept. 8th, 1857.

REPORT:

The Joint Committee for Investigation, appointed by the last Legislature, to examine and report the condition of the departments of the State Government, and whose time was extended by special act, to investigate the condition of the several department of Superintendent of Public Instruction, in compliance with section 1, chapter 94, of the General Laws of 1857, would respectfully submit the following Report:

During the session of the Legislature various and serious charges and complaints were made against the Superintendent of Public Instruction, affecting his character as an officer and a man. The charges were principally of two kinds, viz: Of collusion with eastern publishing houses for the sale, throughout the State, of certain kinds of school books; and in relation to the distribution of Webster's Unabridged Dictionaries to the several school districts of the State, under the law authorizing the purchase and distribution of the same.

In the investigating of these charges the testimony of a number of witnesses has been taken, and a variety of evidence accumulated, which will be found in the accompanying Appendix. It seems from the evidence that, on the 1st of March, 1856, a circular was issued from the office of the Superintendent to the various school officers of the State, giv-

ing a list of school books approved by the department, mainly the issues of three eastern publishing houses, and that other publishers took exceptions to the list, and were anxious to enter into competition for supplying books to the schools of the State, leaving the question of selection to the officers of the districts, rather than to the State Superintendent. The objections raised were principally to those portions of the circular which reads as follows :

“It is expected that town superintendents, teachers, district boards, and all interested in the welfare and prosperity of our schools, will cheerfully and faithfully co-operate in the work of introducing a uniformity of text books throughout the State. The attention of district boards is cited to the fact that they are authorized by law to adopt text books for schools under their charge, *only* in accordance with the advice or recommendation of the State Superintendent.”

“We are glad to be able to say, that the recommendation will be followed by *an efficient Union Agency*, and that *no effort or expense will be spared to give it force and effect.*”

In the accompanying Appendix (A) will be found a copy of a contract entered into on the 1st day of December, 1856, between Messrs. A. S. Barnes & Co., and Ivison & Phinney, and D. Appleton & Co., of New York City, whose publications were mainly selected by Mr. Barry, for recommendation, apportioning the State of Wisconsin into two districts, into which the agents of the other houses were not to enter to sell school books, and that Ivison & Phinney, and D Appleton & Co., agreed to confine their agency business in this State to the counties of Walworth, Green, Columbia, Dodge, Crawford, Manitowoc, Brown, Rock, Fond du lac, Calumet, Monroe, Bad Ax, Portage, Jackson Waukesha and Clark.

A. S. Barnes & Co., agreed to confine their agency business exclusively in the counties of Racine, Jefferson, Marquette, Winnebago, Sheboygan, Dane, Sauk, Washington, Kenosha, Milwaukee, LaFayette, Grant, Iowa, Outagamie, Ozaukee and Richland. The city of Milwaukee was left open as a kind of

neutral ground in which all parties might unite or compete as their several interests might seem to dictate.

The committee could not but regard this as a very remarkable contract, and one which from its very nature, considering the list of books recommended to the Superintendent, was likely to throw suspicion upon his official character. Nor do they believe that such a contract entered into with such a purpose, will, when understood by the people at large, conduce to the benefit of those who are parties to it. It has in it too much of the element of selfish and unprincipled speculation, and a manifest purpose by a suspension of fair and honorable competition, to extort from the parents of the State, an unreasonable price for school books for their children. It will be seen further, that Ivison & Phinney, and D. Appleton & Co. agree that they will not "ask the Superintendent of Public Instruction in Wisconsin to take from his present official list of "school books recommended, any of the books published by A. S. Barnes & Co.;" and should the Superintendent make any such change, then the agreement was to be null and void.

When it is considered that the parties who made this written contract all reside in New York City, that they were active competitors for the book trade of the State, and that they had every motive to urge upon the Superintendent the recommendation of their several issues of school books, the force and bearing of this provision is both striking and significant; and would seem to show that they stood in fear of the efforts of each other to obtain the favorable action of Mr. Barry upon their several publications.

Copies of this contract having been made and forwarded to agents in Wisconsin, and a knowledge of their purport getting public, is doubtless the foundation of the charges of corruption made against the Superintendent. Mr. Barry admits in his evidence, corresponding with these several publishers, in relation to supplying the State with school books, and that the term "Union Agency" used in his circular, alluded to their efforts in that direction, but denies that he was any party to

this contract, or in any manner countenanced, approved, or had knowledge of it. On the contrary, he states that he denounced it as soon as informed of its existence, and that he never received, directly or indirectly, any gift or compensation for any recommendation of his, of any school or other book whatever, and that any suspicion of the kind has no foundation in fact, and does him great injustice.

The testimony of Mr. H. D. L. Webster, shows that two drafts were drawn on Messrs. D. Appleton & Co., and Ivison & Phinney for \$300 each, in favor of Mr. Columbus A. Orvis, former assistant Superintendent, as compensation for his services in aiding to secure the introduction of certain books published by the above mentioned houses; and that Mr. Barry, in conversation with witness entirely disapproved of the transaction when it came to his knowledge.

The testimony of E. D. Osborne and D. Y. Kilgore would seem to show that after the report of Mr. Barry was ready for the press, and after the list of his recommended books had been delivered to the printer, that he was by some means induced to change the lists in one or two respects, striking out the Geographies and some other works of one publishing house, in common use, and substituting those of another, some months before their publication, or before he could have seen a copy of them. Mr. Kilgore swears that he was in the Superintendent's office in January last, and Mr. Barry read to him his list of selected books, and that the list published was not, in several respects, the list read to him. A few days afterwards he was again in the office, and heard Mr. Barry say to Mr. Taber, agent of Ivison & Phinney, and publishers of the books substituted, "*How much do you want those books on my list?*"

The Committee have not been able to obtain the testimony of Mr. Taber, although diligent efforts have been made for that purpose. Mr. Barry denies making any such change, or has no recollection of it, or of making the before mentioned remark to Mr. Taber. Messrs. Ivison and Phinney, and D.

Appleton & Co., deny ever making any compensation to Mr. Barry, for any recommendation of their books, either by themselves or agents.

The Committee attach but little consequence to the charge in relation to Mr. Barry's having acted to some extent, as book agent for any publishing house. He may in his travels, once or twice have rode in the carriage of some of these agents, and done some acts, which, to the jealous eye of rivals, may have appeared as acting in that capacity; but, the Committee are of opinion, after his explanations, that this charge, as well as the charge of direct corruption, have not been proved. He may, and doubtless has been, guilty of some indiscreet acts, in the course of his official duty, giving color to these suppositions, which a person more observant of the feelings and jealousies of rival houses would have avoided; but the Committee are disposed to place the most favorable construction upon the case, in view of the careless habits of the Superintendent, and to believe that there is no real ground for believing him guilty.

PURCHASE AND DISTRIBUTION OF WEBSTER'S UNABRIDGED DICTIONARIES.

By act of the Legislature, passed March 21st, 1855, entitled "an act to provide for the purchase of a certain number of Webster's Unabridged Dictionaries, and for their distribution to the several public Schools of this State," the Superintendent was authorized to purchase, at "a price not exceeding four dollars per copy," "a sufficient number of copies, as may be necessary to supply each organized school district in the State with one copy thereof, and in case where there is more than one common school in a district, each school and department thereof shall be furnished with a copy thereof." The time fixed for their delivery was not to be later than the 1st Monday in October, 1855. One half of the price was to be paid out of the money belonging to schools, on the 15th day of March, 1856, and the balance on the 15th day of March, 1857; and an appropriation was made for that purpose.

A further order, authorized in 1856, of three hundred copies, was made by the Superintendent, and the books were duly forwarded and received. This, with fifty extra additional copies, furnished by the publishers, on the first order, makes the total number of Dictionaries received by the State, up to this time, 3,350.

On the 19th day of July, 1855, a contract was entered into on the part of the State, by and between S. G. Stacy, Assistant Superintendent of Public Instruction, and G. & C. Merriam, of Springfield, Mass., (see Appendix B,) by which said Merriams agreed to deliver to the State of Wisconsin, at Milwaukee, free of charge for freight, three thousand copies of such Dictionaries, at four dollars per copy, on or before first Monday of October, 1855. The books were all shipped and on the route prior to September 26th, 1855, as appears by the following correspondence :

"SPRINGFIELD, Sept. 26th, 1855.

HON. A. C. BARRY—

DEAR SIR :—We shipped to you, from Aug. 30 to Sept. 15, care of Gardner and Hibbard, Milwaukee, 56 boxes, containing 3,000 Webster's Unabridged Dictionaries, which we trust will reach you safely. Will you do us the favor to inform us of their safe arrival, when received, and oblige.

Respectfully yours,

G. & C. MERRIAM,

By H. MERRIAM."

"Should you have occasion to order more of the books, will you please advise us as early as you can conveniently do so. We should be glad to ship before the close of navigation, so far as we can, but must of course send them when you want."

The committee find a letter from Messrs. G. & C. Merriam, dated Feb. 1, 1856, acknowledging the receipt of Mr. Barry for 59 boxes of Dictionaries, containing 3050, delivered at Milwaukee, "all correct."

By a subsequent act of the Legislature, the purchase of 300 additional copies was authorized in 1856, all of which were forwarded and received by the school department.

These books have been forwarded to the Registers of Deeds of the several counties, as follows :

1855, Nov. 16, Dane County,	199 copies.
" Dec. 1, Brown "	26 "
" " 23, Richland "	25 "
" " 1, Waukesha "	127 "
" " 18, Iowa, "	74 "
" " 8, Outagamie "	30 "
" Nov. 6, Racine "	76 "
" " 13, Manitowoc "	47 "
" " 6, Kenosha "	67 "
" Dec. 3, Jefferson "	135 "
" Nov. 24, F. du Lac "	137 "
" Dec. 12, Dodge "	195 "
" Nov. 1, Rock "	134 "
<hr/>	
Total distribution in 1855,	1,272

1856, Jan. Claumet County,	26 copies.
" " 24, Ozaukee "	56 "
" " 18, La Fayettee "	76 "
" " 10, Marquette "	112 "
" " 1, Columbia "	125 "
" Feb. 5, La Crosse "	17 "
" " 10, Walworth "	137 "
" " 1, Jackson "	9 "
" Mar. 12, Washington "	109 "
" " Crawford "	9 "
" June 6, Adams "	2 "
" July 5, Iowa " on order,	3 "
" Nov. Sauk "	3 "
" Jan. 24, Waupaca "	32 "
" May 9, Sheboygan "	102 "
<hr/>	
Total distributed in 1856,	818

1857, Jan. 30, Grant County,	104 copies.
" " Green "	104 "
" Feb. 5, Dodge "	3 "
" " Oconto "	1 "
" " 5, Winnebago "	90 "
" " Waushara "	41 "
<hr/>	
Total distributed to Feb. 20, 1857,	343

RECAPITULATION.

Distributed in 1855,	1,272	copies.
“ 1856,	818	“
“ to Feb. 20, 1857,	343	“
“ to individuals, on orders,	11	“

Total distribution, 2,444

The committee have reason for believing that some other counties have been supplied with Dictionaries since, but for reasons which will appear hereafter, we are unable to ascertain, or give the counties, or number forwarded.

The statement of Mr. Barry, (marked C.), makes the number distributed up to February 27th, 1857, 2,639, and the number on hand for distribution at that date, 733. As this is twenty-two copies more than the State has purchased altogether, there must be some error about it. The difference of 202 copies between the results arrived at by the committee and the statement of Mr. Barry, may probably be accounted for by the fact that this exhibit was made some days later than the examination by the clerk of the committee, and that number may have been forwarded in that period; but of this we have no accessible proof.

Allowing for all discrepancies of the kind, and the number of Dictionaries remaining on hand, on the 20th of February last, was, according to the examinations of the committee, 914. By the statement of Mr. Barry, made later and corrected by the committee, it was 711.

As much feeling was expressed by members at the last session in relation to the very slow distribution of these Dictionaries to several counties, and the apparent utter neglect in regard to it, the committee advised Mr. Barry, early last February, to have forwarded, at once, from the warehouse in Milwaukee, where they had lain about eighteen months, all the remaining copies on hand, and proposed that when they reached the capitol, they would take upon themselves to have them put up in such numbers as he should ap-

portion, and have provision made for their distribution, through members returning home, to all unsupplied counties—thus relieving himself and the committee of a vexatious and troublesome duty. To this Mr. Barry assented, and a resolution passed the Senate instructing him to do so, on the 9th day of February, as follows:

“Resolved, That said Superintendent be directed to cause all Dictionaries belonging to the State, to be brought to the Capitol, in order to facilitate the distribution thereof, and to ascertain accurately the number of copies to be distributed.”

Previous to this, to wit: on the 27th day of January, Mr. Barry, in a communication to the Senate says:

“I take this opportunity to call the attention of the Legislature to the importance of making provision for the payment of incidental expenses attending the distribution of Dictionaries, etc., such as ware-house charges, drayage, charges for transportation, etc. Thus far the expenses have been met by drafts on my private means.”

To get some definite knowledge of what sum of money Mr. Barry wanted, the Senate, January 30th, passed the following resolution:

“Resolved, That the Superintendent of Public Instruction be requested to communicate to the Senate what expense he has incurred, not yet paid to him, on account of the distribution of Webster’s Unabridged Dictionaries, and also, the amount of freights to be paid on the three hundred extra copies now in Milwaukee.”

On the 17th of February, Mr. Barry replied to the resolution of the Senate as follows:

“SUPERINTENDENT’S OFFICE, }
Madison, February 17th, 1857. }

TO THE SENATE:

In reply to your resolution of the 12th inst., directing the State Superintendant, to cause all of the Dictionaries belonging to the State, not distributed, to be brought to the Capitol, I would respectfully state, that it will be impossible for this

department to comply with the order of said resolution, until the Legislature shall have made provision for the payment of the ware-house charges, transportation, &c. The balance of the Dictionaries are on hand in store in Milwaukee and will *not* be forwarded and delivered at Madison until all charges are paid. When means are placed at my command, I shall be most happy to exhibit to Senators the undistributed Dictionaries belonging to the State.

I have the honor to be,
Your obedient servant,
A. CONSTANTINE BARRY."

To show the condition of the freight bill at that time, which rendered it "impossible for this department to comply with the order of the Senate," the committee submit the following statement of facts: By the terms of the contract the Messrs. Merriam were to deliver the Dictionaries at Milwaukee free of charge, but had omitted to pay the charges on the last order in advance, as will be understood by the following correspondence:

"SPRINGFIELD, MASS. Feb. 3d, '57.

HON. A. C. BARRY—

DEAR SIR:—Your favor of the 26th ult. was received. When the former large lot of Dictionaries were forwarded, we were able to pay the freight to Milwaukee in advance, as by navigation one company carried them through. There are so many railroads on the route, that we cannot, we believe, in any way pay the freight through in advance, and we inadvertently failed to make any provisions for it. We now inclose draft for amount and trust you will excuse our inadvertance in the matter.

Respectfully yours,
G. & C. MERRIAM,

Please favor us with receipt for draft."

"OFFICE SUP'T OF PUBLIC INSTRUCTION, }
MADISON, Feb. 20th, '57. }

MESSRS. G. & C. MERRIAM—

GENTS:—Yours of the 3d inst, just received, containing draft for \$58, and for which please find receipt enclosed. We

were ware that something must have occurred, which could not have been foreseen, and your explanation sets all right. Please accept our thanks for your attention and believe me to be

Yours Respectfully,

M. P. BARRY, Ass't Sup't.

The above is marked "Duplicate."

MADISON, Wis., Feb. 10th, 1857.

Received of G. & C. Merriam fifty-eight dollars, being amount of freight bill paid at Milwaukee by this Department.

M. P. BARRY.

The above is marked "Duplicate."

The total amount of back freight and ware-house charges, which Mr. Barry then claimed, as necessary to pay back charges on these Dictionaries, and deliver them at Madison, was \$62 72. It seems from the foregoing correspondence, that on the 3d of February, Messrs. Merriams enclosed to Mr. Barry a draft of \$58 to pay the back charges to Milwaukee, and that the same was acknowledged and receipted for on the 10th of February. Mr. Bristol, assistant depot master at Madison, has furnished the committee with the following statement of this freight bill, from the books at the Railroad office:

"Back charges on Books to Milwaukee, - \$56 42

Charges from Milwaukee to Madison, 15 boxes, " 16 14

As Messrs. Merriams had forwarded a draft of \$58 on the 3d of February to pay the \$56 42 due on back charges, the magnitude of the remaining freight bill, without the payment of which by the State, Mr. Barry informed the Legislature they could not have the books, is apparent.

On the 5th day of March, the Legislature passed a bill appropriating to Mr. Barry the sum of \$62 72 to pay the freight and charges on the books. On the 7th, the committee hearing of their arrival, dispatched an officer to the depot with instructions to have them conveyed to the capitol for distribution to the counties entitled to them. They received in reply the following answer:

M. & M. Rail Road Office, }
Madison, March 7, 1857. }

"S. D. HASTINGS, Esq.:

"SIR:—We have at our depot (15) fifteen boxes, markd A.
C. Barry.

"Mr. Barry has instructed us not to deliver to any one but himself.

"Yours respectfully,

"A. G. DARWIN, Agent."

The testimony of Mr. Bristol is, that a gentleman came to the depot and wanted to see the boxes, and told him "not to deliver the boxes without my orders," and said, "there was an investigating committee who wanted to get hold of these boxes, and that he should not deliver them unless they paid the charges." Mr. Bristol had no personal acquaintance with Mr. Barry, but from his description of the person, there can be little doubt as to who gave this order. Mr. Barry left Madison for the east, to be gone some time, about the last days of February.

When it is considered that the Legislature after asking Mr. Barry by resolution, what money he wanted to pay those charges, and by another resolution directed him to forward these books to Madison for distribution under their direction, and passed a bill to pay freight and charges of \$56.42, more than was due at the time, and which money was subject to his order, and further, that a failure to obtain them at that time, so as to ensure their speedy and certain distribution to the schools of the destitute counties was the only motive and object of the Legislature, and that the proposition of the committee was only made as an act of friendship to the Superintendent, and for the convenience of the public, it is believed that this action of Mr. Barry, at the moment of leaving the State, speaks for itself, and needs no comment from us.

The sequel of this transaction is also in accordance with the usual official business arrangements of Mr. Barry. These boxes of books which have cost the school districts of the newer and more distant counties, the sum of about \$2500,

paid for long since, remained in the depot about six months, and until five dollars additional charges had accumulated upon them. The committee after considerable search, finally found them last week at the book store of Messrs. Bliss & Eberhard in Madison; one of the boxes had been opened. Some, and probably all of the copies have become mildewed and mouldy—they having been boxed and kept in warehouses and depots for nearly two years; while the schools of the State whose money paid for them, have been deprived by the negligence of the Superintendent, of any benefit from the outlay. To this source of damage should also be added, that of the rubbing, chafing and marring of the covers, from frequent handling, and from nails which in some cases were found driven into them. To sum up all, Messrs. Bliss & Eberhard claim about \$20, for advance charges, paid by them when the books came into their possession. Nothing has prevented the committee from taking possession of these books and forwarding them where they belong, but the fact that the Superintendent's office is closed, and they are not able to find any record by which they can ascertain what counties have or have not been furnished since the adjournment of the legislature.

The committee are of the opinion that the great delay attending the distribution of these Dictionaries has been totally unnecessary, and is an evidence of gross, not to say wanton negligence on the part of the Superintendent. Had one half of the boxes been originally ordered to Madison, they might all during the session of 1856, have been forwarded to the school districts of the State through members returning home, and thus from one to two years might have been saved in the distribution of most of them. The members have always been anxious to effect this end, and the Legislature has always appropriated any necessary money to pay charges, promptly and without delay, whenever the want of it was intimated by the Superintendent. And at the present time an undrawn appropriation to pay these charges stands to the

credit of Mr. Barry on the books of the Secretary of State, and has stood there ever since the 6th of last March ; and yet these much needed books have lain moulding at the Depot, or hypothecated for freight, to the proprietors of a Book-Store in whose cellar they are now stored, because the Superintendent has utterly failed to discharge his official duty in the premises.

From the utter confusion and disorder which prevails in everything that relates to the Superintendent's office from the first day of Mr. Barry's entry therein, to the present time, the committee have not been able to get at such an exact statement of the number of Dictionaries received and distributed as they desired. Mr. Barry, it will be seen, claims to have distributed and to have on hand twenty-two copies more than the State has bought. This statement, however, it is evident must be received with some grains of allowance.

Mr. Albert C. Ingham testifies that during the year 1856, his office was next door to the Superintendent in Mill's Block in Madison, while the department was mainly in charge of Mr. C. A. Orvis, Ass't Superintendant at the time ; and Mr. Barry's son, M. P. Barry, Ass't Superintendent since October last.—That some time in the summer or fall of that year, he was requested one evening to leave his office door unlocked, —that on subsequently entering it he found on his table several copies, perhaps, four, five or six of Webster's Unabridged Dictionaries, with the words, "State of Wisconsin, Public Property," or something to that effect printed on the cover—that they remained there two or three days and were then taken away. Witness declined to state the name of the person who asked him to leave his office open, or whether it was any one connected with the department, and knows only by hear-say what become of them, and declines to say what that "hearsay" was, or whether he ever saw any of the copies afterwards.

Mr. M. P. Barry, Assistant Superintendent, admits that he took three dictionaries from the department and left them in Mr. Ingham's office at the time alluded to, that he did it at

his "own suggestion" but "don't know why he left them there."

Mr. J. Eberhard swears that some time last fall he found in his store (that of Weed & Eberhard) some three or four copies of dictionaries with the mark on them showing that they belonged to the State—that he does not know who brought them there, but his partner, Mr. Weed, told him that he bought them, but not of whom. They were sold to different parties as other books from the store. Mr. Weed died in February last.

Same testimony would seem to show that two boxes were brought to the Capital, and divided out, on private account, during the summer or fall of 1857, but the committee, from the testimony of Mr. Halpin, incline to believe that no such large number were sold or given away, and that the loss, if any, must have been small. Nor do they find any acts of direct embezzlement, except the one alluded to by Mr. M. P. Barry, and corroborated by Messrs. Ingham and Eberhard.

From the statement of several Registers of Deeds, the committee find that as usual in everything relating to the business of the Department, there has been no uniformity in the payment of freight bills. Sometimes it has been done by the State, and at others by the counties receiving the copies. The county of Grant seems to have been charged with the freight on her copies from Massachusetts through. The bill as certified to us by Mr. J. H. Evans, Register of Deeds, was \$23.87 on two boxes, and the Register of Green county makes the same complaint, while in other counties Registers complain that they receipted for their copies *in the box*, and on opening, found them two or more short. In all such cases the committee are of the opinion that the State should by some equitable provision, place all upon an equality and either pay the whole bill, or so adjust it that the Counties shall not be charged an unequal or extortionate sum.

CONDITION OF SUPERINTENDENT'S OFFICE AND MANNER IN WHICH
ITS BUSINESS HAS BEEN CONDUCTED.

The committee would be doing injustice to themselves and the State, if they failed to report upon the condition in which they found the Department of Public Instruction, and the manner in which its business has been conducted. Not being able to obtain any satisfactory statements of its business operations either from Mr. Barry, who has been absent a large portion of the year, or from his son, who fills the office of Assistant, they had determined to visit and make a thorough inspection of its affairs, as soon as the testimony they were taking was closed. Mr. M. P. Barry, Assistant, was brought before the committee on the 29th of August, and after a partial examination, (other witnesses being present who were anxious to be examined at that time), was excused until their testimony could be taken, on his voluntary pledge to be on hand at his office or his boarding house, whenever called for.

On Monday following, the committee made several efforts to secure his attendance, and visited the office several times during the day, for that purpose. They found the door unlocked, and the doors of all the cases, library, drawers, &c., in the same condition, and learned, finally, that the Assistant had suddenly left town, leaving no word as to his whereabouts.

In this condition of affairs—the office abandoned, without any one in charge, and the public records, books, and other property exposed to depredation—the committee found it necessary to take it in temporary keeping, and having made examination, and obtained all the information the circumstances will allow, would herewith hand to you Excellency the keys of the Department, with the suggestion, that for the public interest and convenience, it would seem but proper for you to place it in charge of some trusty person until such time as the Superintendent or Assistant may find it agreeable to resume their official duties.

The committee find everything relating to the business and usefulness of the department in utter confusion and disorder. The cases and drawers are encumbered with masses of letters

of business and inquiry, intermixed with a perfect rubbish of blanks, appeals, and papers on almost every conceivable subject. Every form of official documents seem to be heaped up in confused masses, as if turned over and over, from time to time, when the finding of any particular one seems to have been undertaken. The straight and business-like method that marked every Superintendent prior to Mr. Barry, has been utterly and totally neglected and abandoned. On an inspection of the record books, the committee found in the very important record of appeals, *no entries since June 16, 1855*. In book of letters received, *no entries since March 10, 1855*. In the book of letters forwarded, *no entries since Oct. 16, 1855*. And in the book of annual reports of Clerks of Board of Supervisors, none recorded since 1855. And every other form of record or official papers, are in the same, or even a worse condition of neglect. It would seem as if every usual business plan or method of orderly arrangement, of convenience, or of utility, have been perseveringly rejected or ignored, and that chaos and confusion have become the settled rule of the department; and this description the committee mean should be distinctly understood as applying to every business detail relating to it. Indeed, from a careful examination, they know of nothing done, which could be neglected, delayed or postponed by any, or without any pretense whatever; and so far has this been carried that they are compelled to look upon the office as having become practically suspended.

The committee found great numbers of papers and letters from all parts of the State, many of them a year old, often in vehement terms beseeching decisions and appeals from school districts; and so far as they could find, unanswered. Annexed marked "D," they present two or three of these letters as specimens of their general tenor and urgency.

They found great numbers of similar letters from different counties, some of them old enough to have turned yellow, unanswered, as far as can be ascertained, asking for School Laws

for new districts; and piles of these laws heaped up upon the floor of the office. Nor is there any kind or variety of official duty, so far as we can find, that has received any more speedy attention. Every interest of every description seemed to have been the subject of utter and persistent inattention and neglect.

For several years the Legislature appropriated annually the sum of \$50 for the purchase of books for the Superintendent's library. The committee could find but one list of these books, purchased by Mr. Wright, former Superintendent. But part of them were found in the office, and many of the books found in the library were neither numbered nor marked in any way whatever. We were also unable to find any complete list or catalogue of books belonging to the library. From the filling in of Patent Office Reports upon the shelves, and similar rubbish, it seems probable that a large portion of the volumes belonging to the collection, are gone. It is due to Mr. Barry, however, to say, that he has drawn no money for library purposes since his term of office commenced.

That no mitigating circumstances exists to excuse or palliate this negligence of the Superintendent, to the interests of his department, is apparent from the following statement showing the salaries and perquisites appertaining to it:

Annual salary of State Superintendent	-	-	\$1000
Traveling expenses	-	-	600
Salary of Assistant Superintendent	-	-	800
Salary for Clerk hire	-	-	600

Total	-	-	\$3000
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When to this is added that the State pays all cost of office rent, and is at all expense for furnishing, fitting up, warming and lighting the office, that it pays all printing, postage, freight, and similar bills of the Superintendent, and that a Superintendent has only to attend to business by himself or clerks, it will, we think, satisfy the public that the language and conclusions of the committee are fully warranted by the

facts. On an inspection of the books in the office of the Secretary of State, it is found that Mr. Barry has drawn his salary, traveling expenses and clerk hire, yet so far as the committee are advised, he has done no traveling for the department during the year past, and has kept no clerks (see appendix marked "E.") The Assistant has also drawn his salary. It is in evidence before us that the office has not been open to the public during business hours more than one-half the time during the past year, that it was closed entirely during nearly the entire month of June last, and the committee now leave it closed, no Superintendent, Assistant, or clerk being in the place to render them any assistance, or to attend to any duty of the public or State.

STATE GEOLOGICAL SURVEY—ESTATE OF DR. J. G. PERCIVAL.

Annexed hereto, (marked F,) is an affidavit of Dr. J. L. Jencks, of Hazle Green, Grant county, administrator on the estate of James G. Percival, deceased, and formerly State Geologist of Wisconsin. Although a re-examination of the claim of the administrator against the estate was not strictly within the defined duties of the committee, yet, as the subject had once been referred to them by the Legislature for adjustment, and been reported and acted upon in the absence of Dr. Jencks, and as it was intimated that the committee had been mistaken in the *data* upon which they had formerly settled, it was thought but just and reasonable to re-investigate for the satisfaction of all concerned.

The review has not satisfied us that the State is properly liable for any greater sum than the balance formerly reported, and for which an appropriation was made at the last session, although from the evidence of the administration, and an examination of the diary of Dr. Percival, and the absence of all attainable vouchers, from the Executive office, it is possible that moneys drawn from the treasury for the survey may not have been paid over, and for which no satisfactory account can be given by the committee.

The testimony of Dr. Jencks discloses certain facts in relation to the pecuniary affairs of Dr. Percival, by which his last hours were embittered, and unjust reflections cast upon the integrity of the people of Wisconsin, and for this reason the committee have deemed it a duty to place the whole facts on record, as due to public honor, and as a complete vindication of the integrity of the people and State.

The law under which Dr. Percival was appointed State Geologist, limits the term of the survey to four years, and appropriates \$2,500 per annum to pay its expenses. He received the appointment and entered upon its duties August 12:h, 1854, and continued in the service until the 2d day of May, 1856, when he died—a period of nearly two years. From receipts on file in the office of the State Treasurer, signed by Dr. Percival, the committee find that he received the following sums in payment of services at the dates mentioned, to wit:

Jan. 3, 1855, part of salary,	\$100
“ 30, “ on salary,	590
Dec. 3, “ part of salary,	100
<hr/>	
Making a total of,	\$790

These are all the sums for which the committee have seen vouchers of payments to Dr. Percival, or that are on file in the office of the State Treasurer, during his term of office.

It seems from the sworn statement of Dr. Jencks, in whose family Prof. Percival made his home during his residence in Wisconsin, that he was often very greatly straightened for money to pay even his most simple and necessary personal expenses, during nearly the entire period of his public services, or to go on in the survey with the efficiency he desired. Old in years, ill in health, and feeble in body, suffering from poverty and from what he supposed a public neglect, he was at times greatly distressed in mind, and so unbearable had the grievance become, from the want of his salary, that he had

even concluded to resign the station—complaining, mistakenly, as the committee will show,—that the people of Wisconsin were doing him wrong and injustice, and he even had fears that he would be entirely defrauded of the dues he had earned by so many sacrifices and hardships! So well known was his destitution and sutering from this cause—arising to some extent from a delicacy and modesty which shrank from receiving proffered aid from private sources—as to have become a subject of neighborhood talk, and private remonstrance, in the place in which he resided. And he died, it seems, in the belief that the State had wronged him, and that he was the victim of ingratitude, neglect and practical repudiation.

The conclusions of Prof. Percival, in any degree true, would be a reproach and discredit to the State forever. It seems evident to the committee that he either was not acquainted with his rights under the law, of his appointment, or that the moneys drawn from the Treasury on account of the survey, during his term, were withheld for the purpose for which they were appropriated, while he was left to suffer in poverty, neglect and want. The law in terms makes the appropriation to the Governor, who appoints the Geologist, and is supposed to be responsible for the faithful prosecution of the work. The money was payable quarterly from the Treasury on the order of the Executive, and it is a matter of surprise how Prof. Percival, knowing his rights, could have suffered from a lack of means.

On a careful examination the committee find no papers or records in the Executive office throwing light upon this subject. But from what can be learned from outside rumors, it would seem that Rev. A. C. Barry was for a short time employed as an assistant, at a cost of about \$600 per year. How long he served is a matter of as much doubt, as the rate of compensation, or the date when his labors closed. Assuming this rate of compensation, and that he served for a whole year, and Mr. Percival was entitled to have drawn \$475 per

quarter during that period. And when the assistant's services ceased, to have received \$625 per quarter. And as it has been the custom to retain money in the Treasury to pay all salaries promptly, no reason existed why that money should not have been paid at any time, on demand. While the records show that Mr. Percival receipted at the State Treasury for only \$790, and from the testimony of Dr. Jencks we are led to suppose that he received, since the date of the last receipt on file, an additional sum of \$300, making \$1,090 for two years of service, or about \$545 per annum. The same records also show that his salary was regularly drawn out by the Governor during that time—and overdrawn, and that \$1760 was paid back into the Treasury some five months after his death.

The committee find vouchers on file for the following sums of money, drawn from the Treasury by the Governor during Mr. Percival's term of office, on account of the survey as follows:

Statement of monies drawn from the State Treasury by Wm. A. Barstow on account of the salary and survey:

1854, Aug. 16, salary of Geologist in part	- - -	\$200
“ Sept. 9th, for A. C. Barry	- - -	100
“ “ 25th, salary for Geologist in part	- - -	110
“ “ Nov. 13th, “ “ “ “	- - -	50
1855, March 6th, 1st qur. for '55,	- - -	625
“ April 9th, salary in part	- - -	200
“ Aug. 1st, salary in part	- - -	200
“ “ 25th, “ “ “	- - -	200
“ Dec. 26th, for A. C. Barry	- - -	100
1856 Jan. 15th, one quarter	- - -	625
“ Feb. 11th, in full for 1855	- - -	1175

Total,	- - -	\$3585
Total paid Barry, Assistant	- - -	200

\$3385

Ex-Gov. Barstow in a communication to the committee, published in its last report, claims to have paid over certain sums to Prof. Percival, but no vouchers were furnished, and we find no evidence of such payments in the Diary of Dr. Percival; although the evidence of Dr. Jenckes renders it probable that about \$300 were so paid. The records, however, show that while Dr. Percival, pinched and suffering, and arraining the honor and integrity of the State for withholding his just dues, and upon his death-bed, giving up all hope and confirmed in the belief that he was the victim of fraud—that Wm. A. Barstow, acting Governor, had then in his possession a large amount of money belonging to him, which in common justice, ought to have been paid over; and that more than eight months after drawing from the Treasury the last item (\$1175) and more than six months after he had ceased to be Governor of the State by the decision of its highest judicial tribunal, he repaid into the State Treasury (on the 30th day of Sept., 1856) the sum of \$1760 drawn out by him on account of Dr. Percival's salary.

The committee in their report upon the case last winter, were compelled to effect a settlement from such evidence as they could obtain, in the absence of all proper vouchers on the files of the executive department, and to assume as correct the report then made by Mr. Barstow. It is the opinion of Dr. Jenckes from a critical knowledge of the financial difficulties of Prof. Percival, that he received even a less sum from the State by about \$150 than the vouchers on file show, and that he could not have received any considerable sum without his knowledge.

In the absence of the proper vouchers, our investigations necessarily close with an examination of the books of the treasury, and, without passing any opinion upon the statement furnished by Mr. Barstow, beyond what we have already done in our former action, have deemed it best to leave the question an open one for further testimony, on the part of the administrator and the action of another Legislature.

It is entirely evident from the records of the State, that at no time was there any lack of funds in the hands of the Governor to have paid the salary of Prof. Percival promptly and without delay, and that his failure to receive his dues was no fault of the State or people. It would seem that his sensitive spirit shrank from any examination into the real condition of affairs—and that he suffered in silence, generally, with a confiding confidence in the honor and honesty of those entrusted with the management of public affairs. A stranger in Wisconsin—of child-like simplicity in money matters—with a tireless devotion to study and scientific pursuits,—devoid of all usual pride of dress and show, and seeking only the means of support from an appointment requiring too great effort for his age and physical ability, in a new and vast field of research, advantage seems to have been taken of his very qualities of goodness and greatness, to withhold money, honestly earned of the State, for purposes merely private and unscrupulously selfish. Had his wants been more generally known, his wrongs would have been promptly remedied at the hands of the Legislature, as the committee have every reason to believe; while the purses of half our people would have been freely opened to him on the least intimation of pecuniary suffering, beyond a doubt, had not his too great modesty shrank from the application.

In view of the world-wide reputation of Dr. Percival, and the fact that every incident of his career and death may become the property of biographers, to be embalmed in the memory of the future, the committee have felt that they could not under the circumstances do less than give to the case a full and searching investigation, and report all the facts as due to the justice and honor of the State.

DIFFICULTIES OF INVESTIGATION.

This investigation has been one of greater difficulty to the committee than was at first anticipated, and instead of disposing of it in the six days, as at first designed, it has extended

to twenty. Immediately after the adjournment of the Legislature, circulars were issued to all Registers of Deeds, asking for information as to the number of Dictionaries received in the several counties, in order to institute a comparison between their reports and the statement of the Superintendent.

Our first meeting was held in May, and after a week of earnest labor, it was found that a number of counties had not reported, and that several witnesses deemed important, could not be found, and that one or two had left the State with evident marks of haste. It was therefore concluded to adjourn informally, making no public announcement, and take all needful steps to procure the evidence of the absentees. Officers were posted and means of information established at several points, but the effort was not completely successful. One or two witnesses, to prove corruption, if it existed, eluded the service of process, or avoided our latitude, and have not been obtained. The committee have not yet felt warranted in making any great public expense, and therefore met nearly two weeks since, to hear such additional testimony as had been obtained, and to make up their Report.

In carrying on their labors they have had no aid from the Superintendent's Department, and have often had to expend much time in obtaining information which, in a different condition of its arrangements and business, they would have avoided.

All of which is respectfully submitted,

M. M. DAVIS,

On part of Senate,

H. A. TENNEY,

S. D. HASTINGS,

On part of Assembly.

Senator Giles moved that the printing of said report in the journal be dispensed with, and that it be printed in pamphlet form.

Which was agreed to.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have considered No. 9, S.

A bill to amend an act entitled An act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved Feb. 20, 1852, and have indefinitely postponed the further consideration of the same.

I am also directed to inform you, that the Assembly have concurred in joint resolution, No. 11, S., relating to postage.

I am also directed to inform you that the Assembly has passed joint resolution, No. 6, A., as follows:

Resolved, by the Assembly, the Senate concurring, That a joint committee, composed of three members of the Senate, and five of the Assembly, be raised, whose duty shall be, fully and impartially, to investigate into the frauds, bribery, and corrupt acts, reported or alleged to have been perpetrated or committed, by members of the legislature, or others, in the disposal, or in procuring the disposal by the legislature of this State, in the year eighteen hundred and fifty-six, of the lands granted to this State, to aid in the construction of railroads, by act of Congress, Approved June 3, 1856; and into any and all cases of alleged bribery and other corrupt acts on the part of any railroad company, by any of the officers, stockholders, or agents thereof, or other individuals in securing, or attempting to secure the lands, so as aforesaid granted, for themselves, or for any, and what company or companies, or in the procuring the appointment of themselves, or others, as directors of the Wisconsin and Superior railroad company, or in procuring or attempting to procure the resignation of any such director, at any and what time; and also whether any and what number of the legislature of the year eighteen hundred and fifty-seven, or other person or persons, and whom, received any stock, bond, money, or other valuable thing, or accepted the promise that he, or they should receive

at any and what time, any stock, bond, money, or other valuable thing, for preventing, or assisting in preventing an investigation into the alleged frauds, bribery or corrupt acts, aforesaid, by the legislature, last aforesaid. And said joint committee, and a majority of the members thereof, are hereby invested with plenary power to perform and discharge the duty by this resolution enjoined; and in the exercise of the plenary power aforesaid, among other things, may send for and compel, the attendance of persons before them, and the production of papers, documents and records for their inspection and use as evidence.

Said committee shall also have power to appoint a clerk or clerks, whose duty it shall be to do such writing as shall be directed by said committee.

Said committee shall also, among other things, by any member thereof, have power to administer to persons brought or appearing before them as witnesses all necessary oaths: and moreover, may exercise the powers conferred upon a legislative committee, by section twenty-two of chapter fifty-four of the Revised Statutes.

Said committee shall with all reasonable dispatch discharge the duty hereby imposed, and report to the legislature the facts found, and testimony taken by them.

The said resolution was adopted.

Joint Resolution

No. 7, A., was then considered, and

Agreed to.

The ayes and noes being called and ordered, resulted as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—27.

The Chair appointed to act as such committee, on the part of the Senate, Senators Worthington, Simpson and Wheeler.

Senate went into Committee of the Whole on general file.
 Senator Chase in the Chair.

After some time spent therein, the Committee rose and made the following

REPORT :

The Committee of the Whole have had under consideration Memorial No. 9, S., which they report without amendment; and Bill No. 10, S., with amendments; and No. 6, S., with a recommendation that it be referred to the Committee on Education, School and University Lands.

C. S. CHASE,
 Chairman.

Report of Committee adopted.

Adjourned till 4 o'clock, Monday, P. M.

The ayes and noes being ordered, were as follows :

Ayes—Messrs. Bean, Chase, Clark, Giles, Greulich, Joiner, Maxon, Mears, Proudfit, Schulteis, Simpson, Tucker, Warren and Wheeler—14

Noes—Messrs. Bennett, Boyd, Davis, Kingston, McClellan, Pier, Smith, Virgin, Walsh and Worthington—10.

SENATE CHAMBER. }
 Jan. 25th 4 o'clock P. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Roll of Senators called.

Senators Bean, Chappell, Chase Davis, Joiner, Kimball, Maxon, Shulteis, Walsh and Worthington, absent.

Journal of Friday read and approved.

PETITIONS, MEMORIALS, &c.

Senator Martin presented the petition of citizens of Shawano county, praying that said county be organized for judicial purposes.

Referred to committee on judiciary.

Also,

The petition of Geo. B. Edmonds and other citizens of the State for an appropriation to improve the navigation of Wolf river.

Referred to Committee on Internal Improvements.

Also,

The petition of J. A. Murray and others, for a State road from Shawano to Big Bull Falls.

Referred to committee on roads, bridges and ferries.

Senator Pier presented the memorial of the County Board of the county of Fond du Lac, praying for an act amending the charter of Waupun.

Referred to the committee on town and county organization.

Also,

The Memorial of the same concerning the Sheboygan and Fond du Lac Plank Road Company.

Referred to the Committee on Roads, Bridges and Ferries.

Senator Hanchett introduced

Memorial No. 10, S.

A memorial to the Congress of the United States in relation to a mail route.

Which was read the 1st and 2d times, and

Referred to Committee on Judiciary.

Senator Pier presented the memorial of the County Board of the county of Fond du Lac, concerning the overflowing of lands adjoining Lake Winnebago.

Which was referred to the Committee on Internal Improvements.

Senator Giles presented the account of Maul & Grimm.

Referred to Committee on Claims.

Senator Cook introduced

Resolution No. 25. S.

Resolved, That the Honorable, the Secretary of State is requested at an early day to report to the Senate the number of Inhabitants in each of the counties in this State, according to

the latest official reports. Also, to report the amount of personal and real property taxed in each of said counties.

Senator Simpson introduced resolution

No. 26 S.,

Resolved, That the Governor be and he is hereby requested to inform the Senate whether the Commissioners appointed by virtue of the general laws of 1857, of an act entitled "an act to provide for a Geological and Agricultural survey of the State," have arranged and distributed the functions of the survey as required by said act; and whether a written contract has been made with said Commissioners or either of them in pursuance of said act, and if so, when the contract was entered into, for what length of time, and the rate per annum agreed to be paid to each Commissioner therefor.—What part of the year of 1857 have said Commissioners or either of them been actually engaged in the discharge of their duties under said contract; and the several amounts mentioned in the warrants of the Governor upon the treasury for payment of each of the Commissioners for services rendered; also whether any vacancy has occurred or now exists in the Commission provided by said act.

Senator McClellan introduced the following resolution:

No. 27 S.,

Resolved, That the Committee on Public Lands be instructed to examine and report what alterations, if any, are necessary to be made in the law relating to swamp and overflowed lands.

Senator Smith introduced resolution

No. 28 S.

Resolved, That one thousand copies of the Governor's Message in the Welch language, be printed in pamphlet form, under the direction of the Chief Clerk, for the use of the Senate.

Senator Wheeler introduced the following joint resolution:

No. 13, S.,

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two members of the Senate and three

members from the Assembly, be raised, whose duty it shall be to take into consideration, and report to this Legislature, the necessity, propriety and expediency of calling a convention, at an early day, for the purpose of revising the constitution of this State.

Senator Martin introduced,

Resolution, No. 29, S.,

Resolved, That the Committee on the Judiciary inquire into the expediency of increasing the fees allowed to sheriffs, for attendance upon circuit courts, and of requiring all process from said courts to be served by the sheriff, or one of his deputies.

Resolution, No. 24 S.,

Concerning graded schools,

Was then taken up,

And, on motion of Senator Sutherland,

Laid on the table.

Resolution, No. 23, S.,

Resolved, That the Judiciary Committee be instructed to enquire whether the lands of any private corporation in this State are held not subject to taxation. If so held, whether said lands are constitutionally exempt from taxation the same as other lands are taxed. And if not constitutionally exempt, to introduce a bill to authorize the several towns and counties of this State to levy and collect taxes on said lands, in the same manner as are the lands of private individuals.

Was taken up,

And adopted.

Senator Cook gave the following notice :

NOTICE.—At some future day, I intend to introduce a bill for an act, to alter the charter of each Rail Road Company within this State, organized and doing business under its charter; who shall fail to pay either the interest or principal specified in private farm mortgage bonds, at any time taken or received, by any such corporation, from any inhabitant of this State, and, in any way or manner, assigned or transferred

by such company, to any person, party, or corporation, whatever, in such manner as to grant proper power, on sufficient facts appearing, for appointment of Trustees, to take and control the management of the business and affairs of the road of such company, until the net earnings thereof shall be sufficient to pay all such mortgage bonds, after the payment of all prior liens.

Senator Sutherland introduced,
No. 50, S.

A bill to extend the time for collection of State taxes for the year 1858.

Which was read a first and second times.

Senator Sutherland moved to suspend the rules.

Which was agreed to.

On motion of Senator Sutherland referred to a special committee of three, with instruction to report in the morning.

Senators Sutherland, Smith and Virgin were appointed such committee.

Senator Virgin on leave introduced,
No. 51, S.

An Act to authorize the Board of Trustees of the village of Platteville to lease the public square.

Which was read the first and second times, and,
Referred to the committee on judiciary.

Senator Hanchett on leave introduced,
No. 52, S.

An Act to repeal an act to authorize certain counties to aid in the construction of the Milwaukee and Horicon Rail Road.

Which was read the first and second times, and
Referred to committee on rail roads.

Senator Tucker introduced on leave,
No. 53, S.

A bill for an act to amend "an act incorporating the city of La Crosse," approved March 4th, 1856.

Which was read the 1st and 2d times, and

Referred to the Committee on Incorporations.

Also,

No. 54, S.

A bill for an act to legalize the assessment and assessment roll of the City of La Crosse.

Which was read the 1st and 2d times, and

Referred to the Committee on Judiciary.

Senator Kingston, on leave, introduced

No. 55, S.

An act to extend the powers of the County Boards of Supervisors in certain cases.

Which was read the 1st and 2d times, and

Referred to the Committee on Judiciary.

Senator Simpson introduced, on leave,

No. 56, S.

A bill to authorize tenants in common to sue each other in certain cases.

Which was read the 1st and 2d times, and

Referred to Committee on Judiciary.

Senator Tucker, on leave, introduced

No. 57, S.

A bill for an act to incorporate the "Savings and Trust Company," of La Crosse, Wis.

Which was read the 1st and 2d times, and

Referred to the Committee on Incorporation.

Also,

No. 58, S.

A bill for an act allowing certain Judges of the Supreme and Circuit Courts therein named, mileage for traveling for the purpose of holding courts.

Which was read the 1st and 2d times, and

Referred to Committee on Judiciary.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed No. 38 A., A bill for an act to extend the time of payment of taxes in the City of Milwaukee.

In which the concurrence of the Senate is requested.

No. 38 A., was then taken up, and

Referred to special committee of Senators Sutherland, Smith and Virgin.

On motion of Senator Sutherland,

Senator Wheeler was added to said committee.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 2, A.

A bill for an act to legalize the acts of L. E. Town.

No. 51. A.

A bill for an act to extend the time for the collection of School District tax, in School District No. 2, in the town of Richland, in the county of Richland.

And,

Joint Resolution No. 6, A., as follows:

Resolved by the Assembly, the Senate concurring, That the committees on State Prison be authorized to select three of their number, one from the Senate and two from the Assembly to visit the State Prison, examine its condition and the accounts of the Commissioners, and report upon the same at an early day.

In all of which the concurrence of the Senate is requested.

I am also directed to inform you that the Assembly has concurred in the passage of Joint Resolution, No. 12, S., "authorizing the joint committee on State affairs to visit Deaf, Dumb and Blind Institutions," with an amendment, in which the concurrence of the Senate is requested.

No. 2, A., was then taken up,

Read a third time, and

Passed.

Joint Resolution No. 12, S., taken up.

Amendment of Assembly not concurred in.

No. 51, A.

Referred to Committee on Judiciary.

No. 10, S.

An act to prevent obstructions in the Wisconsin River.

Ordered engrossed, and

Read a third time.

No. 9, S.

A bill to amend an act entitled "An Act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof, approved, February 20th, 1852:

Ordered engrossed, and

Read a third time.

On motion of Senator Bennett,

Senate adjourned.

SENATE CHAMBER, }
Jan. 26th, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Miller.

Roll of Senators called.

Messrs. Bean, Chappell, Davis, Martin, Tucker and Walsh absent.

Journal of yesterday read and corrected.

Senator Joiner presented the petition of 126 citizens of Richland county to extend time for paying taxes.

Laid on the table.

Senator Boyd presented a petition to change the times of holding circuit court in Walworth county.

Which was referred to the committee on judiciary.

Senator Smith presented the petition of S. C. Rose and others asking for the repeal of that portion of the charter of the city of Beaver Dam, which authorizes the issue of bonds or loan of credit to Rail Road companies.

Which was referred to the committee on incorporations.

Senator Chase presented the petition of sundry persons of the town of Racine, Racine county, praying for the time to collect taxes be extended.

Which was referred to the committee on judiciary.

Senator Wheeler introduced,

Resolution No. 30, S.,

Resolved, That the Sergeant-at-Arms and Chief Clerk be requested to report to the Senate the whole number of persons appointed or employed by them respectively, in and about the Senate, and in what capacity, and for what purpose they are severally employed.

On motion of Senator Smith,

Rules suspended,

Resolution adopted.

Senator Hanchett introduced,

Resolution, No. 31, S.,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of Repealing an act entitled "an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," approved October 9th, 1856, commonly known as the code of procedure, and that such committee report the result of such inquiry to the Senate at as early a day as possible.

Senator Kingston introduced,

Resolution, No. 32, S.,

Resolved, That the Committee on Public Printing be instructed to report, if they deem expedient, a bill authorizing the Clerks of the Board of Supervisors, in the several counties in this State, to procure, for the use of said counties, the necessary blanks for the assessors of the several towns in each county, and also, to furnish the inspectors of elections in said towns the necessary blanks for canvassing and making returns of said elections; and, that uniformity may exist throughout the State, said Committee are instructed to report the proper forms for said assessment and election blanks.

Joint Resolution, No. 13, S.,

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two members of the Senate and three members from the Assembly, be raised, whose duty it shall be to take into consideration, and report to this Legislature, the necessity, propriety and expediency of calling a convention, at an early day, for the purpose of revising the constitution of this State.

The ayes and noes being demanded and ordered,

Weré as follows :

Ayes—Messrs. Bennett, Chase, Hanchett, Kimball, Martin, Pier, Smith, Sutherland and Wheeler—9.

Noes—Messrs. Boyd, Clark, Cook, Gites, Greulich, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Schulteis, Simpson, Tucker, Virgin, Warren and Worthington—17.

Resolution lost.

Resolution No. 25 S.,

Resolved, That the Honorable, the Secretary of State is requested at an early day to report to the Senate the number of inhabitants in each of the counties in this State, according to the latest official reports. Also, to report the amount of personal and real property taxed in each of said counties.

Senator Kingston moved to amend by adding “according to the assessment returns from said counties.”

Which was accepted.

The resolution as amended was then adopted.

Resolution No. 26 S.,

Resolved, That the Governor be and he is hereby requested to inform the Senate whether the Commissioners appointed by virtue of the general laws of 1857, of an act entitled, “an act to provide for a Geological and Agricultural survey of the State,” have arranged and distributed the functions of the survey as required by said act; and whether a written contract has been made with said Commissioners or either of them in pursuance of said act, and if so, when the contract was entered into, for what length of time, and the rate per annum agreed to be paid to each Commissioner therefor.

What part of the year of 1857 have said Commissioners or either of them been actually engaged in the discharge of their duties under said contract ; and the several amounts mentioned in the warrants of the Governor upon the treasury for payment of each of the Commissioners for services rendered ; also, whether any vacancy has occurred or now exists in the Commission provided by said act.

Was then taken up.

Senator Smith moved that said resolution lie on the table.

Which was not agreed to.

Resolution adopted.

Resolution No. 27 S.,

Resolved, That the Committee on Public Lands be instructed to examine and report what alterations, if any, are necessary to be made in the law relating to swamp and overflowed lands.

Was then taken up, and

Adopted.

Senator Warren, on leave, introduced

Resolution No. 33 S.,

Resolved, That the agent appointed by the Governor to purchase stationery for the use of the State, for 1857, be requested by the Committee on Legislative Expenditures to make his report as provided by chapter 86 of General Laws of 1857.

Resolution

No. 28, S.,

Resolved, That one thousand copies of the Governor's Message, in the Welsh language, be printed in pamphlet form, under the direction of the Chief Clerk, for the use of the Senate.

Was then taken up.

Senator Cook moved to amend by adding, also one thousand copies in the Norwegian language, two thousand copies in the German language, and one thousand copies in the Holland language, by Jacob Quintus.

On motion of Senator Sutherland,

Referred to Committee on Legislative Expenditures.

Resolution

No. 29, S.,

Resolved, That the Committee on the Judiciary inquire into the expediency of increasing the fees allowed to sheriffs, for attendance upon Circuit Court, and of requiring all process from said Courts to be served by the sheriff, or one of his deputies.

Was then taken up.

The question being upon the passage, and the ayes and noes being called and ordered, were as follows:

Ayes,—Messrs. Bennett, Boyd, Cook, Giles, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Proudfit, Simpson, Sutherland, Tucker, Warren, Wheeler, Worthington—17.

Noes—Messrs. Chase, Joiner, Kimball, McClellan, Pier, Schulteis, Smith, Virgin—8.

Resolution adopted.

Senator Hanchett on leave introduced.

Joint Resolution No. 14, S.

Resolved by the Senate, the Assembly concurring, That the printing of all public documents for the use of the members of the Legislature, be authorized only by joint resolution of the Senate and Assembly.

On motion of Senator Bennett,

Rules suspended, and

Resolution adopted.

Senator Worthington, on leave, introduced

Resolution No. 34, S.

Resolved, That a committee, composed of the Physicians of the Senate, be appointed to enquire into the expediency and probable cost of properly ventilating the Senate Chamber.

Rules suspended, and

Resolution adopted.

Senator Martin, on leave, introduced

Resolution No. 35, S.

Resolved, That a select committee of three be appointed, with instructions to ascertain the greatest indebtedness of the

State on account of loans heretofore made, appropriations remaining unpaid, and liabilities to be incurred under existing laws; and that said committee inquire into the expediency of so amending the Constitution as to provide for funding such indebtedness, and to prohibit the Legislature, or any officer, or Department of the State Government, from authorizing or controlling any debt or liability on account of the State, except such as may be expressly authorized by the Constitution.

Resolved, That said committee further ascertain, as far as practicable, the amount of bonds and other outstanding evidences of debt, issued by the several counties, towns, cities, and other municipal divisions and corporations within the State, and inquire into the expediency of limiting by a constitutional prohibition, the amount of indebtedness to be incurred by them respectively, and also to limit the powers of taxation to such purposes only as shall be necessary to preserve the public credit, and defray the ordinary current expenses of the Government.

Senator Sutherland on leave introduced,

No. 60, S. *bill to amend an act entitled "An act to amend chapter 19 of the revised statutes, and to compile the school laws of Wisconsin."*

A bill to amend an act entitled "An act to amend chapter 19 of the revised statutes, and to compile the school laws of Wisconsin."

Which was read the first and second times, and

Referred to committee on judiciary.

The rules being first suspended,

Senator Proudfit introduced,

No. 59, S.

A bill to incorporate the Madison Gymnastic Association.

Which was read the first and second times, and

Referred to committee on incorporations.

Senator Wheeler gave the following notice:

NOTICE—I shall on some subsequent day of this session move to strike out all that portion of Rule 38, of the Senate, after the word "committee," on the 3d line of said rule.

Senator Giles, President *pro tem*, in the chair

Senator Chase submitted the following

REPORT:

The committee on the Judiciary, report back No. 14, S being an act to legalize certain roads therein named and declaring the same to be State roads. Also No. 15, S., being an act to repeal an act relating to the assessment of taxes in the county of Wood, approved March 5th, 1857. Also No. 20, S., being an act to repeal chap. 205, of the private and local laws of 1857 being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and to repeal an act therein named, with the recommendation that they do severally pass.

C. S. CHASE, Ch'n.

Senator Pier submitted the following

REPORT:

The joint committee on claims have had under consideration the account of T. N. Bovee, and the account of Herman L. Page, Sheriff of Milwaukee county. Also the account of T. A. H. Edwards, sheriff of Manitowoc county, and have instructed me to report the same back to the Senate by bill.

E. PIER, Ch'n.

Senator Simpson submitted the following

REPORT.

The Committee on Roads, Bridges and Ferries, to whom was referred the following bills, have had to same under consideration, and instructed me to report.

Bill No. 40, S.

"A bill to authorize Augustus Huysson, Richard F. Willson, and Carrol C. Spafford to maintain a ferry across the Chippewa river," with an amendment.

Bill No. 42, S.

"An act to authorize Elias A. Galloway to keep and maintain a ferry across the Chippewa river," with amendments.

Bill No. 41, S.

"A bill to authorize Adin Randall to keep and maintain a ferry across Chippewa river," with an amendment.

And bill No. 39,

"An act to appoint Commissioners to lay out a State road named therein," without amendment, and recommend the passage of said bills.

P. B. SIMPSON,

Read and reported by the Senate at 2 o'clock. Chairman.

Senator Warren submitted the following

REPORT:

The Committee on Engrossed Bills report correctly engrossed No. 9 S. and No. 10 S.

Senator Pier from Committee on Claims reported the following bills:

No. 61 S., A bill to appropriate to T. N. Bovee the sum of money therein named.

No. 62 S., A bill to appropriate to T. A. H. Edwards the sum of money therein named.

No. 63 S., A bill to appropriate to Herman L. Page the sum of money therein named.

Which were severally read the 1st and 2d times, and Referred to general file.

Senator Sutherland from special Committee submitted the following

REPORT:

The select committee to which was referred No. 50 S., A bill to extend the collection of State taxes for the year 1857, report the same with a substitute, and recommend the passage of the substitute.

The same committee report No. 38 A., a bill for an act to extend the time of payment of taxes in the City of Milwaukee, without amendment, and recommend its passage.

J. SUTHERLAND, Ch'n.

The substitute to No. 50 S., A bill to extend the time for collection of State taxes for the year 1858, was then taken up, and

Read a third time.

The question being upon its passage, and the ayes and noes being ordered were as follows:

Ayes—Messrs. Bennett, Boyd, Chase, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler, Worthington—22.

Passed and title agreed to.

No. 38 A., was then taken up,

Senator Greulich moved to amend by striking out the 3d and 7th sections of the bill.

On motion of Senator Greulich,

Laid on the table.

Message from His Excellency the Governor.

TO THE LEGISLATURE—

I herewith transmit the Annual Report, for 1857, of the Geological Survey of the State of Wisconsin.

ALEXANDER W. RANDALL.

Joint Resolution No. 6, A., was then taken up.

Returned to Assembly for engrossment.

Message from His Excellency, the Governor.

EXECUTIVE DEPARTMENT, }
MADISON, January 26, 1858. }

TO THE LEGISLATURE:

At the request of the parties interested, Messrs. Ivison & Phinney and D. Appleton & Co., publishers, I herewith transmit a communication from them in relation to matters contained in the Report of the Committee of Investigation of the last session.

ALEXANDER W. RANDALL.

To His Excellency, Governor Bashford, of Wisconsin:

The attention of the undersigned has been called to the Report of a Committee of the Legislature of Wisconsin, for investigating the official conduct of the Superintendent of Public Instruction, made to your Excellency, September 8th, 1857, in which are certain charges and implications respecting the undersigned, to which they beg briefly and respectfully to reply, trusting that the facts and denials, herein presented, may be allowed to accompany the said report, as essen-

tial to a correct understanding of the same, as well as to truth and justice.

The portion of the Report alluded to, is the following: It is stated that a "Union Agency" was established, with the approbation of the Superintendent, for the introduction of such of the text-books of his official list, as were published by the undersigned, which agency was afterwards modified, by restricting its operations to certain designated counties, in connection with a like restriction of the corresponding agency of Messrs. A. S. Barnes & Co., to certain other counties; and that the undersigned stipulated not to ask the Superintendent to take from his present list, any of the publications of Messrs. Barnes & Co.

The Committee consider the above contract as having "too much of the element of selfish and unprincipled speculation, and a manifest purpose, by suspension of fair and honorable competition, to extort from the parents of the State an unreasonable price for school books for their children."

The undersigned admit the existence of such an arrangement, but respectfully submit that a simple narrative of a few facts in the case, apparently unknown to the Committee, will remove all just suspicion of wrong or injury in intention or effect in the same.

The action of the undersigned in the matter thus censured, was subsequent to the official recommendation of our books by the Superintendent, and was undertaken, with his approbation; for the express and sole purpose of effecting the object of said recommendation—a uniformity of superior text-books—in the most speedy, convenient and economical way for all concerned.

As publishers of a portion of the books recommended, we had of course an interest to hasten and facilitate the proposed introduction; and for this purpose, undertook at our own expense, to bring our books by traveling agents, to the various districts, without any additional expense to the purchasers, but generally at a great saving of expense.

Our two houses united in the Agency to save the expense of separate agencies. On the other hand, a separate agency was maintained by Messrs. Barnes & Co., opposing and competing with the books on similar subjects published by us.

After a few months, it was found that this rivalry of the Agents of the three houses, who often furnished the books at a merely nominal price, or for nothing, was occasioning great loss to all the publishers concerned, and an agreement was accordingly made to divide the counties to be canvassed, expressly and only to end this useless and costly war, and to enable each house to sell its books to those schools who choose to adopt them, without the loss consequent upon rival agents underbidding each other, or giving in their books where they could not introduce them otherwise.

The basis of this division was the natural and economical one for both sellers and buyers, that where our books were already most in use, we should continue to introduce them; and where the books of Messrs. Barnes & Co. were not in use, they should continue to introduce theirs; each abstaining from the counties pre-occupied by the other party.

The arrangement was, of course, not approved by the Superintendent, inasmuch as it failed to extend the uniform books in the sections we conceded to Messrs. Barnes & Co. But the propriety of such a compromise on our part, must be evident to any one conversant with business, and the expenses incident to such rivalry. The case was similar to that of two rival lines of stage coaches, which, after running over the same road at a loss, should agree to select different routes, or to that of two dealers in any kind of merchandize or articles so like as to be substitutes for each other, who should agree to prosecute their business in different localities, instead of at each others doors. So natural and undisputed, indeed, is the right of any merchant to offer his goods, or to decline to offer them, in any market he may please, that it is difficult to see how this simple arrangement between book dealers to withdraw our expensive competition with each other, could

be construed by any but a very jealous rival, into a "dictation" as to what books should or should not be used in the counties referred to. So far from dictating what books should be used in certain counties, we only dictated where our agents should offer our books for sale, and where not.

Nor did this arrangement involve a "suspension of fair and honorable competition," unless the committee intend to characterize the competition of the principal school-book publishing house in the West, as unfair and dishonorable; for their competition was active, energetic, ingenious, and persevering. The "suspension of competition" was only by the two parties to the division in question, and left, of course, all other publishers, as well as the book-sellers in the several counties free to introduce and sell any other books they might desire.

The report also charges, as something wrong—as implying an undue influence upon the Superintendent—that in the above agreement it was stipulated that the undersigned would not ask the Superintendent to take from his official list of books, any of the publications of the Messrs. Barnes & Co. But the fact is that we never claimed or exercised any such influence; and this clause was inserted by Messrs. Barnes & Co., because, as we understood, they alleged that before the issue of his official recommendations the Superintendent had informed them that certain of their bookswere, or should be, included in his list, which books, finally, did not appear in the published list.

Messrs. Barnes & Co. supposing the alleged change might have been effected by the efforts of some of our agents, desired to guard against any influences adverse to their publications, by introducing the clause in question. As the undersigned were conscious both of never having exerted any influence to remove Messrs. B. & Co.'s books from the official list, and of having no desire for their removal, they readily assented to the stipulation, as a gratification to Messrs. Barnes & Co., and as involving neither loss nor inconvenience to them. The stipulation had no other origin or purpose than this.

The report further states that drafts were made on the undersigned by a former Assistant Superintendent of Schools, leaving the inference that we authorized or paid such drafts. Whereas the fact is, and ought to be stated, that we never authorized nor paid any such drafts, directly or indirectly. Nor have we paid to any official in the State, any money or other consideration for their recommendation of books.

We have briefly and simply stated the facts of the several circumstances which the report regards as suspicious or unjustifiable, and fully believe that no candid person will fail to see that they are entirely free from any "element of selfish and unprincipled speculation," or obnoxious to any charge or suspicion of wrong.

We were aware that similar charges had been scattered through the State, in anonymous handbills, circulars and newspaper articles; but they were so evidently the work of disappointed parties whose books had been rejected by the Superintendent, that we believed they carried their own refutation on their face, and deemed them unworthy of notice. But the adoption of some of them by this committee renders it proper for us to offer the foregoing statements and explanations, and to ask that they may be allowed to accompany the said report, in whatever disposition it may please your Excellency to make of the same.

With sentiments of distinguished regard and esteem,

We are very truly and respectfully,

Your obedient servants,

IVISON & PHINNEY,

D. APPLETON & CO.

New York, Dec. 21, 1857.

Memorial No. 9, S.

For the establishment of a mail route from Whitewater to Columbus.

Was then taken up, and

Read a third time.

Passed, and title agreed to.

No. 10, S.

An Act to prevent obstructions on the Wisconsin River. .

Was read a third time.

Passed, and title agreed to.

The following message was read from the Chief Clerk of the Senate:

TO THE HON. E. D. CAMPBELL, Lieut. Governor:

In reply to a resolution adopted by the Senate this day, I herewith send a list of persons in my employment in and around the Senate as Clerks, to wit:

Mr. S. H. Lee, Assistant Clerk.

" Caffin, Engrossing " "

" Haywood, Enrolling " "

" Hand, Transcribing " "

Respectfully,

JOHN L. V. THOMAS,

Chief Clerk of the Senate.

Madison, January 26, 1858.

Message from the Sergeant-at-Arms of the Senate:

TO THE HONORABLE, THE SENATE:

In this department there are employed—

One Assistant Sergeant-at-Arms.

One Post Master and Assistant.

One Door-Keeper and Assistant.

One Fireman and Assistant.

Two Porters, or men of all work.

The Messenger question is yet in an unsettled state.

N. L. STOUT,

Sergeant-at-Arms.

January 26, 1858.

Senator Pier on leave introduced resolution

No. 36, S.

Resolved, That the Governor's message relating to the Geological Survey be referred to the committee on Agriculture.

Senator Chase on leave introduced resolution

No. 37, S.

Resolved, That a committee of three be appointed to report what officers are needed in the Senate who hold by appointment.

On motion of Senator Joiner, rules suspended.

Resolution adopted.

The chair appointed to act as such committee, Senators Chase, Simpson and Sutherland.

Senate adjourned.

SENATE CHAMBER,
January 27th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by the Rev. Mr. Britton.

Roll of Senators called.

Messrs. Bean, Boyd, Chappell, Davis, Maxon and Walsh absent.

Senator Virgin presented the petition of John H. Rountree and fifty others, for a memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant county, Wisconsin.

Also,

A memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant county, Wisconsin.

Which were referred to general file.

Senator Cook introduced

Resolution No. 38; S.

Resolved, That the committee on School and University Lands are required to inquire into the expediency of extending authority by law, to the School Fund Loan Commissioners of the State, to loan the twenty-five per cent. arising from the sale of Swamp Lands, now lying in the State Treasury in trust for the use of the several counties in this State, and report by bill or otherwise.

Resolution No. 31 S.,

Resolved, That the Committee on the Judiciary be instruct-

ed to inquire into the expediency of repealing an act entitled "an act to simplify and abridge the practice, pleadings and proceedings of the Courts of this State," approved October 9th, 1856, commonly known as the code of procedure, and that such committee report the result of such inquiry to the Senate, at as early a day as possible.

Was then taken up.

Senator Giles offered the following as a substitute:

Resolved, That the Committee on Judiciary be instructed to enquire what amendments are necessary to perfect the act entitled "an act to simplify and abridge the practice, pleadings and proceedings of the Courts of this State," approved Oct. 9th, 1856, commonly known as the code of procedure. And that said committee report at an early day of the session.

Which, on motion of Senator Hanchett, were laid on the table.

Senator Tucker introduced resolution No. 39 S.

Resolved, That the Committee on Finance be instructed to report at their earliest convenience a bill for an act authorizing a loan of the swamp land and drainage fund in sums of not less than one hundred nor more than five hundred dollars to any one person, and upon terms similar to those on which the school fund is now loaned.

Senator McClellan introduced joint resolution
No. 16 S.,

Resolved by the Senate the Assembly concurring, That joint resolution No. 3, approved March 29th, 1856, be and the same is hereby repealed.

Resolution, No. 32, S.

Resolved, That the Committee on Public Printing be instructed to report, if they deem expedient, a bill authorizing the clerks of the Board of Supervisors, in the several counties in this State, to procure, for the use of said counties, the necessary blanks for the assessors of the several towns in each county, and also, to furnish the inspectors of elections in said towns the necessary blanks for canvassing and making returns

of said elections; and, that uniformity may exist throughout the State, said Committee are instructed to report the proper forms for said assessment and election blanks.

Was then taken up.

The ayes and noes being called and ordered, were as follows.

Ayes—Messrs. Chase, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sntherland, Tucker, Warren, Wheeler, Worthington—20.

Noes—Messrs. Bennett, Clark, Simpson, Virgin—4.

Resolution adopted.

Senator Maxon Introduced

No. 11, S.

A memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac.

Which was read the 1st and 2d times, and Referred to committee on Judiciary.

Senator Worthington on leave introduced

Joint Resolution, No. 15, S.

Resolved by the Senate, the Assembly concurring, That the Joint Resolution providing for the transmission of printed matter by mail is hereby rescinded, and that the Superintendent of Public Property is hereby directed to furnish letter stamps to the amount of two dollars, and newspaper stamps to the amount of three dollars to each member of the Senate and Assembly, to the presiding officers of each house, and to the Chief Clerk and Sergeant-at-Arms of each house

Rules suspended.

Resolution adopted.

Senator Clark offered resolution No. 41 S.

Resolved, That the Committee on Legislative Expenditures, before making any report relative to the printing of public documents, shall first ascertain the amount paid for such printing, ordered by the last Legislature, and report the same at an

early day, together with the names of the persons to whom such sums were paid, and the amount paid to each such person.

Rules suspended. Resolution adopted.

Senator Worthington tendered his resignation as a member of the committee on claims.

Which was accepted, and Senator McClellan chosen to fill his place on said committee.

Senator Chase introduced resolution No. 42, S.

Resolved, That the Committee on Legislative Expenditures be instructed to examine as to whether a certain class of documents and reports, and which, including the appendix to the Journals, have been hertofore ordered printed by the Legislature that can be dispensed with this year ; and also to report to whom, under what law, and for what time, and at what prices the public printing of this State is already let, and what means, if any, can be adopted to diminish the expenses of public printing in this State.

Rules suspended—resolution adopted.

Resolution No. 83 S.,

Resolved, That the Agent appointed by the Governor to purchase stationery for the use of the State, for 1857, be requested by the Committee on Legislative Expenditures to make his report, as provided by chapter 86 of General Laws of 1857.

Was then taken up

On motion of Senator Giles, laid on the table.

Resolution No. 36, S.

Resolved, That the Governor's Message relating to the Geological Survey, be referred to the Committee on Agriculture.

Was then taken up and adopted.

Resolution, No. 35, S.,

Resolved, That a select committee of three be appointed, with instructions to ascertain the greatest indebtedness of the State on account of loans heretofore made, appropriations remaining unpaid, and liabilities to be incurred under existing

laws; and that said committee inquire into the expediency of so amending the Constitution as to provide for funding such indebtedness, and to prohibit the Legislature, or any officer, or department of the State Government, from authorizing or controlling any debt or liability on account of the State, except such as may be expressly authorized by the Constitution.

Resolved, That said committee further ascertain, as far as practicable, the amount of bonds and other outstanding evidences of debt, issued by the several counties, towns, cities, and other municipal divisions and corporations within the State, and inquire into the expediency of limiting, by a constitutional prohibition, the amount of indebtedness to be incurred by them respectively, and also to limit the powers of taxation to such purposes only as shall be necessary to preserve the public credit, and defray the ordinary current expenses of the Government.

Was then taken up,

And adopted,

Senators Martin, Maxon and Joiner were appointed by the Chair to act as such committee.

Senator Giles, *Prest. pro. tem.*, in the chair.

Senator Smith submitted the following

REPORT:

The Joint Committee on Enrolled Bills, report that they have examined and compared,

No. 4, S., a bill to change the time of holding the circuit courts in the counties of Columbia and Jefferson, in the Ninth Judicial Circuit.

And,

No. 2, A., a bill for an act to legalize the acts of L. E. Town, Town Clerk of the town of Spring Grove.

And find the same correctly enrolled.

W. E. SMITH,
Ch'n Senate Com.

W. C. WEBB,
Ch'n Assembly Com.

January 27, 1858.

Senator Tucker gave the following notice:

I give notice of my intention, on to-morrow, or some subsequent day, during the present session, to introduce a bill for an act, to amend an act, approved March 29th, 1856, entitled "an act to amend an act, entitled and act to limit the rate of interest, approved March 10th, 1857.

W. H. TUCKER.

Senator Chase submitted the following

REPORT:

The Judiciary Committee report back bills,

No. 29, S., an act to legalize and provide for the collection of taxes in the county of Portage for the year 1857.

No. 36, S., an act to change the time for holding the Fall Term of the Circuit Court of Calumet County.

No. 43, S., an act to amend chapter 62 of the Private and Local Laws of Wisconsin, for the year 1855, entitled an act to authorise the Board of Supervisor of Winnebago County to issue bonds for the purposes therein named.

Without amendment,

And recommend their passage.

Also,

No. 30, S., an act to increase the jurisdiction of the County Court of Manitowoc County,

And,

No. 51, A., a bill for an act to extend the time for the collection of school district tax in School District No. 2, in the town of Richland, in the County of Richland.

With amendments,

And recommend their passage, when so amended.

Also,

Bill, No. 1, S., a bill to amend an act entitled an act to authorize the extension of time for the collection of taxes in certain cases, approved March 1st, 1856.

And recommend its indefinite postponement.

Also,

Memorial, No. 10. S, for a mail route,

And favor its passage.

And,

Petition, No. 43, A., for extending time to collect school tax in Richland Co.,

And favor its being granted.

Your Committee further report, in obedience to resolution of the Senate, that they have conferred with the Revisors in regard to when they will be able to report upon the revision, and learn that their report will be ready next week.

C. S. CHASE,

Chairman.

Senator Pier submitted the following

REPORT:

The Joint Committee on Claims have had under consideration the account of the Wisconsin State Telegraph Company, and have instructed me to report the same to the Senate by bill.

Also,

A bill appropriating a certain sum of money to H. C. Bull & Co., and report it back without amendment, and recommend its passage,

Also,

The claim of John Ware, and recommend that the same be disallowed.

E. PIER,

Chairman.

Senator Sutherland submitted the following

REPORT:

The Committee on Education, School and University Lands, report No. 6, S., A bill to Incorporate Kilbourn University, with amendments, and recommend its passage.

J. SUTHERLAND,

Chairman.

Senator Kimball submitted the following

REPORT:

The committee on Incorporations, to whom was referred a

bill entitled an act to incorporate the Norwegian Evangelical Lutheran Synod of the State of Wisconsin, beg leave to report that they have had the same under consideration and recommend its passage.

M. L. KIMBALL,

Chairman.

Senator Kingston submitted the following

REPORT:

The Committee on Public Lands, to whom was referred Senate resolution No. 27, as follows:

Resolved, That the Committee on Public Lands be enstructed to examine and report what alterations, if any, are necessary to be made in the law relating to Swamp and Overflowed Lands, have had the same under consideration, and instruct me to report, that upon an examination of all the laws relating to that subject, they have come to the conclusion that said laws are imperfect in many essential respects. The most important of which are the following, namely: The sale of said lands is not restricted to actual settlers. Non-resident purchasers are required to pay down, at the time of entry only ten per cent of the principal, and the interest on the balance for one year. That portion of said laws relating to the Drainage Fund, is imperfect and consequently unsafe. Other imperfections of a minor nature, also, exist in said laws, all of which, including those above mentioned, your committee propose to remedy in a new act, under Senate Resolution No. 18, now in the hands of your committee.

All of which is respectfully submitted.

J. T. KINGSTON,

Chairman.

The following message was then read from the Secretary of State:

SECRETARY'S OFFICE,
MADISON, Jan. 26, 1858. }

Mr. JOHN L. V. THOMAS,

Chief Clerk of the Senate:

SIR—In compliance with the resolution dated January 20th, I have the honor to enclose the within reports.

Yours respectfully,

D. W. JONES, Sec'y of State,

[See Appendix.]

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of Joint Resolution, No. 10, S.

Authorizing the Judiciary committees of the two houses to act jointly.

That the Assembly adheres to its amendments to Joint Resolution, No. 12.

Authorizing joint committee on State affairs to visit Deaf, Dumb and Blind Institution.

And that the Assembly has passed

No. 3, A.

A bill for an act to vacate certain streets in the village of Argyle.

No. 7, A.

A bill for an act for the relief of Joint School District, No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

No. 9, A., A bill for an act, for the relief of School District, No. 1, in the town of Wausau, in the county of Marathon.

No. 12, A., A bill for an act to authorize School District No. 3, of the town of Waterloo, in Jefferson county to collect a tax therein named.

Memorial No. 28 A., A memorial to Congress for the establishment of a mail route.

No. 37 A., A bill for an act to legalize the proceedings of a meeting of school district No. 6, in the town of Middleton, in the county of Dane.

No. 57 A., A bill for an act to appropriate to Abiel E. Brooks the sum therein named.

In all of which the concurrence of the Senate is requested.

I am also directed to inform you that Messrs, Knowlton, Mason, Earle, Vinton and Cotzhausen have been appointed as the Committee on the part of the Assembly, under joint resolution No. 7 A., Authorizing a joint committee of the Senate and Assembly to investigate the alleged frauds and corruption in the disposition of the land grant, by the Legislature of 1856, and for other purposes.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature, No. 2, A.,

An act to legalize the acts of L. E. Towne, Town Clerk of the town of Spring Grove, which has been signed by the Speaker of the Assembly.

Said bill was then signed by the Lieutenant Governor.

Message from Assembly.

MR. PRESIDENT—

I am directed to present for your signature, No. 4, S.

A bill for an act to change the time for holding the Circuit Court in the Counties of Columbia and Jefferson, in the ninth Judicial circuit.

Which has been signed by the Speaker of the Assembly.

Said bill was then signed by the Lieutenant Governor.

Nos. 57. A., 37 A., 28 A., and 12 A.,

Were then severally read the first and second times, and Referred to general file.

No. 9 A., was then read the first and second times.

Rules suspended.

Ordered read a third time.

Read the third time.

The question being upon the passage, and

The ayes and noes being called for, and ordered, were as follows.

Ayes—Messrs. Bennett, Chase, Clark, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Pier, Proudfit, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler, Worthington—22.

Passed and title agreed to.

Joint Resolution No. 12 S., with amendment of Assembly, was then taken up.

Senator Bennett moved to insist upon the non-concurrence of the Senate to said amendment.

Which was agreed to.

No. 7 A. and, No. 3, A., were severally read the first and second times, and referred to general file.

On motion of Senator Chase,

The rules were suspended, and

No. 38 A., A bill for an act to extend the time of payment of taxes in the city of Milwaukee.

Taken from the table.

Senator Greulich moved to refer to Committee on Judiciary.

Which was not agreed to.

On motion of Senator Bennett,

The rules were suspended, in order that the bill might be considered at length.

Senator Greulich moved to amend by striking out section 3 of the bill.

The ayes and noes being ordered were as follows:

Ayes—Messrs. Clark, Cook, Greulich, Kingston, Maxon, Mears, Schulteis and Simpson—8.

Noes—Messrs. Bennett, Chase, Giles, Hanchett, Joiner, Kimball, McClellan, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler and Worthington—16.

Not agreed to.

Senator Greulich moved to amend by adding at the end of section 5 "and the present Treasurer shall give such new bonds as the Common Council of the City of Milwaukee shall direct."

The question being upon the amendment, and

The ayes and noes being ordered were as follows:

Ayes—Messrs. Bennett, Clark, Cook, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Virgin, Warren, Wheeler and Worthington—20.

Noes—Messrs. Chase, Kimball, Smith and Tucker—4.

Agreed to.

Senator Greulich moved to amend by striking out Sec. 7.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Bennett, Cook, Greulich, Hanchett, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulties, Simpson, Sutherland, and Warren.—14.

Noes—Messrs. Chase, Clark, Giles, Joiner, Kimball, Smith, Tucker, Virgin, Wheeler, and Worthington.—10.

Agreed to.

Ordered to a third reading.

Read a third time.

The question being upon the passage of the bill, and the ayes and noes being ordered were as follows.

Ayes—Messrs. Bennett, Chase, Clark, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler, and Worthington.—24.

Passed and title agreed to.

Senator Tucker on leave introduced

No. 64, S.

A bill for an act to change the name of Martha Rozilla Vantyne to Mary Rozilla Bierce.

Which was read the first and second times and

Referred to committee on judiciary.

Senator Hanchett, on leave, introduced

No. 65, S.

A bill for an act relating to the administration and distribution of the estates of persons deceased in this State.

Which was read the first and second times, and

Referred to the Committee on Judiciary.

Senator Pier, on leave, introduced the account of the Wisconsin State Telegraph Company, against the Bank Comptroller's office.

Which was referred to the Committee on Claims.

Senator Proudfit, on leave, introduced

No. 66, S.

A bill to amend an act entitled "An act to incorporate the city of Madison.

Which was read the first and second times, laid on the table and ordered printed.

Senator Warren on leave introduced

No. 67 S.

A bill to legalize the acts of the Board of Supervisors of the town of Brooklyn in the county of Green.

Which was read the first and second times, and

Referred to committee on town and county organization.

Senator Smith on leave introduced

No. 68 S.

A bill for an act to amend chapter 416 of the Session Laws of 1852, entitled An act to incorporate the Dodge county Mutual Insurance Company, approved April 17th, 1852.

Which was read the first and second time, and

Referred to committee on Incorporations.

On motion of Senator Virgin, adjourned.

SENATE CHAMBER,
Jan. 28th, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Eggleston.

Roll of Senators called.

Messrs. Bean, Boyd, Chappell, Davis, Martin and Walsh absent.

Journal of yesterday read, corrected and adopted.

Senator Kingston presented the petition of Luther Beck with and others, praying for the removal of the county seat of Juneau county.

Also,

The petition of L. M. Atkins and others praying for the same.

Which was referred to committee on town and county organization.

Senator Greulich introduced a petition for the relief of Julius Erdmann.

Which was referred to committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Giles,

No. 43 S.

Resolved, That the Superintendent of Public Property is hereby instructed to report to the Senate what amount of stationery has been delivered by him to each member and officer of the present Legislature, said report to be made at his earliest convenience.

By Senator Smith,

No. 44 S.

Resolved, That the committee on State affairs, be instructed to enquire and report the number of persons employed, either as assistants or Clerks, in the offices of Secretary of State, State Treasurer, Attorney General, Superintendent of Schools, and Librarian, and also, if the number of persons now so employed, are necessary for the proper discharge of the duties of said offices respectively.

By Senator Clark,

Joint Resolution No. 17, S.

Resolved by the Senate the Assembly concurring, That a joint committee of two from the Senate and three from the Assembly be appointed to examine into and report upon the condition and efficiency of the State University under its present management, and what, if any legislation, is required at the present session, for the benefit and improvement of that institution.

RESOLUTIONS TAKEN UP.

Joint Resolution No. 16, S.

Resolved by the Senate the Assembly concurring, That joint resolution No. 3, approved March 29th, 1856, be and the same is hereby repealed.

On motion of Senator Sutherland,

Referred to Committee on Public Lands.

Resolution No. 38, S.

Resolved, That the Committee on School and University Lands are required to inquire into the expediency of extending authority by law, to the School Fund Loan Commissioners of the State, to loan the 25 per cent., arising from the sale of Swamp Lands, now lying in the State Treasury in trust for the use of the several counties in this State, and report by bill or otherwise.

On leave, withdrawn by Senator Cook.

Resolution No. 39, S.

Resolved, That the Committee on Finance be instructed to report at their earliest convenience a bill for an act authorizing a loan of the swamp land and drainage fund in sums of not less than one hundred nor more than five hundred dollars to any one person, and upon terms similar to those on which the school fund is now loaned.

Senator Kimball offered the following as a substitute:

That the Committee on Public Lands be instructed to report a bill forthwith, so amending Sec. 8, Chap. 125, of General Laws of 1856, entitled, "An Act to provide for the disposal and sale of the swamp and overflowed lands," that the 25 per cent. of the residue of the purchase money therein mentioned shall be applied to the improvement, repairing or construction of public roads in the several towns where the said swamp lands are situated, and that each town receive its proportionate share of the said 25 per cent. for that purpose, at as early a day as practicable.

On motion of Senator Kimball referred to a select committee of three.

Senators Kimball, Tucker and Worthington appointed were such committee.

BILLS INTRODUCED.

By Senator Pier, from Committee on Claims,
No. 71 S. A Bill to appropriate to Maul & Grimm, the
the sum of money therein named.

Which was read the first and second time, and referred
to general file.

By Senator Wheeler, on leave,

No. 70 S. A Bill for an Act concerning Evidence and
Witnesses.

Which was read 1st and 2d times.

Rules suspended.

Ordered to a third reading.

Read the third time.

The question being upon the passage of the Bill, and the
ayes and noes being called and ordered, were as follows :

Ayes—Messrs. Bennett, Chase, Clark, Cook, Giles, Greu-
lich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin,
Maxon, Mears, Pier, Froudfit, Schulteis, Simpson, Smith,
Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worth-
ington.

Passed, and title agreed to.

By Senator Sutherland,

No. 72 S. A Bill to enable the State Superintendent of
Public Instruction to complete the distribution of Webster's
Unabridged Dictionaries.

Which was read the 1st and 2d times, and referred to gen-
eral file.

By Senator Warren,

No. 73 S. A Bill to Legalize a certain State Road.

Which was read the 1st and 2d times, and referred to Com-
mittee on Roads, Bridges, and Ferries.

By Senator Joiner,

No. 74 S. A Bill for an Act to Repeal Chapter 102 of the
General Laws of 1857, entitled, an Act to fix the Salaries of
Judges of the Circuit Courts.

Which was read the 1st and 2d times, and referred to gen-
eral file.

By Senator Proudfit,
No. 75 S. A Bill to appropriate to Donaldson & Trede-
"way a certain sum of money.

Which was read the 1st and 2d times, and referred to Com-
mittee on Claims.

By Senator Chase,
No. 76 S. A Bill for an Act to Incorporate the Oconto
Lumbering Company.

Which was read the 1st and 2d times, and referred to Com-
mittee on Incorporations.

Senator Martin gave the following notice :

"I shall on some future day, introduce the following Bills :

"A Bill to Amend the City Charter of the City of Green
Bay.

"A Bill to Amend the Charter of the Green Bay and Madi-
son Railroad Company.

"A Bill to Legalize the Official Acts of Dominick Hunt, a
Justice of the Peace in the County of Brown.

REPORTS SUBMITTED.

By Senator Chase.

The judiciary committee report back memorial No. 11 S.
A memorial to Congress for a mail route from the village of
Barton, in Washington county, to the city of Fond du Lac,
and recomend its passage.

CHASE, Ch'n.

By Senator Wheeler.

The committee on railroads, to whom were referred Senate
bill No. 52, "An act to repeal an act to authorize certain coun-
ties to aid in the contruction of the Milwaukee & Horicon
Railroad," and Senate bill No. 49, "A bill to amend section
17 of chapter 299 of private and local laws of 1855." Have
had said bills under consideration, and have instructed me to
report the same back with amendments, and as amended to
recommend their passage.

E. WHEELER, Ch'n.

By Senator Kimball.

The committee on incorporations have had under consideration bill No. 48 S., entitled "An act to incorporate the city of Superior." And recommend its passage.

M. L. KIMBALL, Ch'n.

By Senator Smith.

The joint committee on enrolled bills, would report that they presented to the Governor for his approval, on the 27th inst:

No. 4 S. a bill to change the time for holding the circuit courts in the counties of Columbia and Jefferson, in the ninth judicial circuit,

And,

No. 2 A., a bill to legalize the acts of L. E. Towne, Town Clerk of the town of Spring Grove.

W. E. SMITH, Ch'n Sen. Com.

W. C. WEBB, Ch'n Assem. Com.

Jan. 28th, 1858.

By Senator Virgin.

Your committee on town and county organization, to whom was referred, a bill to legalize the acts of the Board of Supervisors of the town of Brooklyn, in the county of Green, have had the same under consideration and respectfully recommend its passage.

W. H. VIRGIN, Ch'n.

By Senator Pier.

The committee on Claims, to whom was referred No. 45 S., to appropriate to Geo. W. Mygatt, a certain sum of money, and No. 46 S., to appropriate to Edwin Palmer, a certain sum of money, report back said bills with a substitute for each, and recommend the passage of the substitutes.

They also report a bill appropriating to Maul & Grimm, the sum of money therein named, to wit: \$15.00 in full for their account against the State,

E. PIER, Ch'n.

Senate went into

COMMITTEE OF THE WHOLE

On general file.

Senator Kimball in the Chair.

After some time spent therein committee rose and reported,
No. 62, S.—No. 20, S.—No. 14, S.—No. 63, S.—No. 39, S.
—No. 15, S.—No. 37, S.—No. 61, S.—No. 25, S.

With recommendation to pass the same.

No. 41, S. and No. 30 S.

With recommendation to pass as amended.

That No. 42, S.,

Be referred back to County Board of Supervisors of Chippewa County,

And that the consideration of

No. 40, S., and No. 1, S.,

Be indefinitely postponed.

And asked leave to sit again,

Which was granted.

Senator Giles, President *pro tem*, in the chair.

No. 61, S.

A Bill to appropriate to T. N. Bovee the sum of money therein named.

No. 25 S.

A Bill to appropriate to H. C. Bull a certain sum of money.

No. 37 S. A Bill to Incorporate the Norwegian Evangelical Luthern Synod of the State of Wisconsin.

No. 15 S. An Act to Repeal an Act relating to the Assessment of Taxes in the County of Wood, approved March 5th, 1857.

No. 39 S. An Act to appoint Commissioners to lay out a State Road, named therein.

No. 14 S. An Act to Legalize certain Roads therein named, and declaring the same to be State Roads.

No. 20 S. An Act to Repeal Chap. 205 of the Private and Local Laws of 1857, being an Act to provide for the Assessment of Taxes in the Counties of Portage and Marathon, and to Repeal an Act therein named.

No. 62 S. A Bill to appropriate to T. A. H. Edwards the sum of money therein named.

And,

No. 63 S. A Bill to appropriate to Hermann L. Page, the sum of money therein named.

Were severally ordered engrossed, and read the third time.

No. 1, S. A Bill to amend an act entitled "An Act to authorize the extension of time for the collection of taxes in certain cases," approved March 1st, 1856.

No. 40, S. A Bill to authorize Augustus Huyssen, Richard F. Wilson, and Carroll C. Spafford to maintain a ferry across Chippewa River.

No. 41 S. A Bill to authorize Adin Randall to maintain a ferry across Chippewa River,

And,

No. 42 S. An Act to authorize Elias A. Galloway to keep and maintain a ferry across the Chippewa River.

Were severally indefinitely postponed.

No. 30 S. A Bill to increase the jurisdiction of the County Court of Manitowoc County.

Was on motion of Senator Clark,

Laid upon the table.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have concurred in the passage of.

Joint Resolution, No. 15 S.

Resolved by the Senate the Assembly concurring, That the joint resolution providing for the transmission of printed matter by mail is hereby rescinded, and that the Superintendent of Public Property is hereby directed to furnish letter stamps to the amount of two dollars, and newspaper stamps to the amount of three dollars, to each member of the Senate and Assembly, to the presiding officer of each house, and to the chief clerks and sergeant-at-arms of each house.

Joint Resolution, No. 6 A.

Which was sent to the Assembly for engrossment, I am directed to return to the Senate for correct endorsement.

Senator Tucker on leave introduced

No. 77, S.

A bill for an act to repeal chapter 8, of the general laws of 1857, entitled an act relating to the Writ of Habeus Corpus, to persons claimed as fugitive slaves the right of trial by jury and to prevent kidnapping in this State.

Which was read the 1st and 2d times and

Referred to committee on Judiciary,

Also,

No. 78 S.

A bill for an act to extend the time for the collection of taxes in the city and county of La Crosse.

Which was read the 1st and 2nd times and

On motion of Senator Tucker

Referred to select committee of three,

Senators Tucker, Cook, and Wheeler, were appointed such committee.

On motion of Senator Proudfit,

Adjourned till 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Senate met, pursuant to adjournment.

Lieut. Governor in the chair.

Message from his Excellency the Governor:

STATE OF WIS., EXECUTIVE DEPARTMENT,
MADISON, January 28, 1858.

To the Hon. Senate:—

In pursuance of the provisions of an Act entitled "An Act for the encouragement of Academies and Normal Schools," approved March 7th, 1857, my predecessor filled the Board of Regents, by appointment, as follows:

Edwin Cook, Appleton, Wis.

J. G. M'Kindley, Kenosha, Wis.

A. C. Spicer, Milton, Wis.

Alfred Browson, Prairie du Chien, Wis.

N. H. Virgin, Platteville, Wis.

S. C. Bean, Waukesha, Wis.

D. Y. Kilgore, Madison, Wis.

M. P. Kinney, Racine, Wis.

J. J. Enos, Watertown, Wis.

Of these the term of office of N. H. Virgin, A. C. Spicer, and Edwin Cook, expired on the first day of January A. D., 1858, and those gentlemen were re-appointed by my predecessor on that day. On the fifteenth day of January, inst., N. H. Virgin filed in my office his resignation of his office as one of said Regents, and I recommend to the Senate, for confirmation in his place, Hanmer Robbins, of Platteville, Wis.

I transmit to the Senate for its approval, the above appointments, as required by the terms of the Act.

ALEX. W. RANDALL, Governor.

On motion of Senator Sutherland,

Referred to Committee on School and University lands.

Senator Kimball moved that the Senate re-consider the vote by which the consideration of

No. 40 S., No. 41 S. and No. 42 S., was indefinitely postponed.

On motion of Senator Giles the motion for re-consideration was laid on the table.

Message from the Assembly by Chief Clerk.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 105 A.

A bill for an act concerning crimes.

And,

Joint Resolution No. 8. A.

Concerning employees about the Capitol.

In which the concurrence of the Senate is requested.

The Assembly has indefinitely postponed the consideration of Joint Resolution No. 12 S., Authorizing joint committee on State affairs to visit Deaf, Dumb and Blind Institutions.

And have concurred in the passage of
Joint Resolution No. 14 S.
Concerning Printing.

And,
Bill No. 50 S.

A bill to amend chapter 15 of the General Laws of 1856,
entitled An act to authorize the extension of taxes in certain
cases.

And have passed bill No. 103 A.

A bill for an act to amend an act to Incorporate the North
Western Insurance company.

In which the concurrence of the Senate is requested.

On motion of Senator Greulich,
No. 103 A.

Was taken up.

Read 1st and 2d times.

Rules suspended.

Read the third time.

Passed and title agreed to.

On motion of Senator Sutherland
No. 66 S.

A bill to amend an act entitled An act to incorporate the
city of Madison,

Was taken from the table, and,

Senate went into Committee of the Whole on said bill.

Senator Clark in the chair.

After some time spent therein the committee rose and re-
ported back,

No. 66, S,

With sundry amendments.

Report of Committee concurred in and amendments adop-
ted.

Rules suspended.

Ordered engrossed and read a third time.

Read the third time.

The question being upon the passage of the Bill and the
Ayes and Noes being ordered, were as follows:

Ayes—Messrs. Bennett, Chase, Clark, Cook, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, and Worthington—23.

Passed and title agreed to.

Senator Bennett on leave introduced,

Joint Resolution, No. 18 S,

Resolved by the Senate the Assembly concurring, That the Secretary of State be authorized and required, to furnish Beloit College, for the use of the library of said College, with the General Laws of Wisconsin for the years 1852, 55, 56, and 57; also, the private acts of 1855, 56, and 57; also the Senate Journal for the years 1854, 55, 56, and 57; also the Assembly Journal for the years 1852, 53, 54, 55, 56, and 57; also the annual volumes of the State Historical Society, and other public documents, reaching back to the year 1854: Provided that such volumes can be supplied without detriment to the interests of the State.

Resolved, That so many of said volumes and documents as can be furnished to said College, be delivered to the order of the Librarian of Beloit College Library.

Senator Tucker from special committee submitted the following

REPORT

Your committee report that they have had under consideration Senate bill 78 referred to a select committee of three. &c. A bill for an act to extend the time for the collection of taxes in the city and county of La Crosse, and return the same with an amendment to the 8th Section, and a recommendation that it do pass, &c.

W. H. TUCKER.	}	Committee.
E. WHEELER.		
E. FOX-COOK.		

Senator Warren submitted the following

REPORT

The committee on "Engrossed Bills," report—correctly engrossed. Bill No. 14, S.

WARREN. Ch'n.

Also on leave introduced,

Resolution No 45 S.

Resolved, That the Sergeant at-Arms discharge all persons in the employ of the Senate whose services he may deem unnecessary.

WARREN.

Senator Chase from special committee submitted the following

REPORT

The special committee appointed under resolution No. 37 S. "to report what officers are needed in the Senate who hold by appointment," after a full and careful examination of the subject matter of said resolution, submit their report as follows:

In the chief clerks department it is necessary at present to employ an assistant clerk, an engrossing clerk, enrolling clerk, and transcribing clerk. In the department of the Sergeant-at-Arms, it is necessary to employ one Ass't. Sergeant-at-Arms, Post Master and ass't. Door Keeper and ass't., Fireman and ass't., one Porter or man of all work, and three messengers.

C. S. CHASE.	} Committee.
P. B. SIMPSON.	
J. SUTHERLAND.	

Which on motion was laid on the table.

Resolution No. 45 S.,

Was then taken up.

Rules suspended.

Resolution adopted.

Senator Wheeler on leave introduced

Resolution No. 46 S.

Resolved, That the Sergeant-at-arms be directed to make arrangements to have all Milwaukee newspapers taken by members and officers of the Senate forwarded by express, instead of sending them through the mail, and that all members receiving papers from any other place, forward to the publishers thereof sufficient postage stamps to prepay the postage on all such papers.

Senator Worthington on leave presented the account of J. H. Carter, Sheriff of Waukesha county.

Which was referred to committee on claims.

On motion of Senator Cook, the rules were suspended and bill

No. 78 S.,

Was taken up.

Report of special committee concurred in and the amendment adopted.

Read the third time.

The question being upon the passage of the bill, and

The ayes and noes having been ordered, were as follows :

Ayes—Messrs Bean, Chappell, Cook, Giles, Greulich, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Tucker, Virgin, Warren, Walsh, Worthington—20.

Passed and title agreed to.

Senator Cook gave the following notice:]

NOTICE—That I intend at a future day to introduce a bill for an act to appropriate a certain sum therein named, to defray necessary incidental expenses of the Governor. Also a bill to appropriate a certain sum therein named as a contingent fund to defray expenses of work and labor to be done and performed by laborers employed by the Governor, in and about the Capital during the current year.

Senate adjourned.

SENATE CHAMBER,
January 39th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by the Rev. Mr. Haiter.

Roll of Senators called.

Nessrs. Bean, Boyd, Chappell, Greulich, Martin, Joiner, Proudfit and Walsh absent.

RESOLUTIONS INTRODUCED.

By Senator Hanchett, Joint Resolution

No. 19, S.

Resolved by the Senate, the Assembly concurring, That the committee on State Prison of the two houses of the Legislature be authorized to select five of their number, two from the Senate and three from the Assembly, to visit the State Prison, examine its condition and the accounts of the Commissioner, and report upon the same at an early day.

Rules suspended.

Resolution adopted.

By Senator Smith, resolution

No. 47 S.

Resolved, That the committee on Education, School and University Lands, be instructed to enquire what further legislation (if any) is necessary, in order to more fully carry out the design of "An act for the encouragement of Academies and Normal Schools," approved March 7th, 1857, and that they report by bill or otherwise.

RESOLUTIONS TAKEN UP.

No. 43 S.

Resolved, That the Superintendent of Public Property is hereby instructed to report to the Senate what amount of stationery has been delivered by him to each member and officer of the present Legislature, said report to be made at his earliest convenience.

Adopted.

No. 44 S.

Resolved, That the committee on State affairs. be instructed to enquire and report the number of persons employed, either as assistants or clerks, in the offices of Secretary of State, State Treasurer, Attorney General, Superintendent of Schools, and Librarian, and also, if the number of persons now so em-

ployed, are necessary for the proper discharge of the duties of said offices respectively.

Adopted.

Joint Resolution No. 17, S.

Resolved by the Senate the Assembly concurring, That a joint committee of two from the Senate and three from the Assembly be appointed to examine into and report upon the condition and efficiency of the State University under its present management, and what, if any, legislation is required at the present session, for the benefit and improvement of that institution.

Adopted.

Senators Clark and Chase were appointed such committee. Resolution No. 46, S.

Resolved, That the Sergeant-at-arms be directed to make arrangements to have all Milwaukee newspapers taken by members and officers of the Senate, forwarded by express, instead of sending them through the mail, and that all members receiving papers from any other place, forward to the publishers thereof sufficient postage stamps to prepay the postage on all such papers.

Senator Chase offered the following as a substitute :

Resolved, That the members of the Senate and their officers who have subscribed for newspapers, permit their papers so subscribed for, to remain in the post office, that the post master may send them back and thus save the taking any newspapers at the expense of the State.

Which were both laid on the table one day.

Joint Resolution, No. 18 S.

Resolved by the Senate, the Assembly concurring, That the Secretary of State be authorized and required, to furnish Beloit College, for the use of the library of Said College, with the General Laws of Wisconsin for the years 1852, 55, 56 and 57 ; also, the private acts of 1855, 56 and 57 ; also the Senate Journal for the years 1854, 55, 56, and 57 ; also the Assembly Journal for the years 1852, 53, 54, 55, 56 and 57 ; also the annual volumes of the State Historical Society, and other pub-

lie documents, reaching back to the year 1854: Provided that such volumes can be supplied without detriment to the interests of the State.

Resolved, That so many of said volumes and documents as can be furnished to said College, be delivered to the order of the Librarian of Beloit College Library.

Adopted.

Senator Martin moved to reconsider the vote on the passage of the bill No. 70, S., and that the clerk request the Assembly to return said bill to the Senate, for the purpose of considering the same now.

Senator Sutherland called for a division of the question, and moved that the portion of the motion "that the Clerk request the Assembly to return said bill to the Senate for the purpose of considering the motion now," shall be first considered.

Senator Chase moved to lay the whole matter on the table.

The President decided the motion out of order.

Senator Chase appealed from the decision.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Simpson, Sutherland, Walsh.

Noes—Messrs. Bennett, Chase, Clark, Cook, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Schulteis, Smith, Tucker, Virgin, Warren, Worthington—19.

The appeal from the decision of the President was sustained.

Senator Chase withdrew the motion to lay on the table.

The question being on the motion of Senator Sutherland,

The motion prevailed.

Senator Martin withdrew the motion to reconsider, and gave notice of a motion to reconsider the vote on the passage of bill No. 70, S.

Senator Giles Prest. *pro tem* in the chair.

BILLS INTRODUCED.

By Senator Martin, pursuant to notice.

No. 79 S.

A bill to legalize the official acts of Dominick Hunt, a justice of the peace in the county of Brown.

Which was read the first and second times, and

Referred to Committee on Judiciary.

By Senator Pier on leave,

No. 80 S.

A bill to amend section 5 of chapter 135 of the private and local laws of 1856, entitled An act to provide for the assessment of additional highway taxes in the county of Fond du Lac.

Which was read the first and second times, and

Referred to Committee on roads bridges and ferries.

By Senator Mears, on leave,

No. 81 S.

A bill for an act to incorporate the village of Greenwood, in the county of Lapoint.

Which was read the first and second times, and

Referred to committee on incorporations.

By Senator Kimball, on leave,

No. 82 S.

A bill to appropriate to H. Friend & Bros, a sum of money therein named.

Read first and second times, and

Referred to Committee on Claims.

By Sen. Greulich, on leave.

No. 83 S. A bill to amend an act entitled "an act to authorize the Board of Supervisors of Milwaukee county to issue bonds therein named," approved March 21st, 1856.

Read 1st and 2d times, and

Referred to general file.

By Senator Martin, on leave,

No. 84 S., A bill for an act to change the name of George E. Hoskinson to that of George E. Hoskins.

Read 1st and 2d times, and

Referred to Committee on Judiciary.

REPORTS SUBMITTED. JANUARY 1851.

By Senator Warren.

Committee on Engrossed Bills report correctly engrossed No. 66 S.

J. H. WARREN, Ch'n.

By Senator Chase.

The Judiciary Committee report back No. 18 S., an act to provide for the publication and distribution of the Laws of Wisconsin concerning the organization and government of towns. And No. 35 S., substitute for No. 13 S., A bill for an act to amend an act entitled "an act to regulate voluntary assignments with a view of insolvency," approved March 7th, 1857, with amendments. Also, No. 64 S., an act to change the name of Martha Rozilla Van Tyne to Mary Rozilla Bierce, with an amendment to the title, and recommend that they severally pass when so amended.

C. S. CHASE, Ch'n.

By Senator Smith.

The Joint Committee on Enrolled Bills would report that they have examined and compared

No. 50 S., A bill to amend chapter 15 of the General Laws of 1856, entitled "an act to authorize the extension of taxes in certain cases."

Also,

No. 9 A., A bill for an act for the relief of school district No. 1, in the town of Wausau in the county of Marathon.

And,

No. 38 A., A bill for an act to extend the time of payment of taxes in the City of Milwaukee.

And find the same correctly enrolled.

W. E. SMITH, Ch'n Sen. Com.

W. C. WEBB, Ch'n As. Com.

Jan. 29th, 1858.

Message from his Excellency the Governor.

TO THE HON., THE SENATE:

I am in the receipt of the following resolution, passed by you, calling for information from my Department:

Resolved, That the Governor be and he is hereby requested to inform the Senate whether the Commissioners appointed by virtue of the General Laws of 1857, of an act entitled "An Act to provide for a Geological survey of the State," have arranged and distributed the functions of the survey as required by said act; and whether a written contract has been made with said Commissioners, or either of them, in pursuance of said act, and if so, when the contract was entered into, for what length of time, and the rate per annum agreed to be paid to each Commissioner therefor. What part of the year 1857 have said Commissioners, or either of them, been actually engaged in the discharge of their duties under said contract; and the several amounts mentioned in the warrants of the Governor, upon the Treasury, for payment of each of the Commissioners for services rendered. Also, whether any vacancy has occurred or now exists in the commission provided by said act.

There is no evidence on file in my office beyond what is contained in the contracts herewith transmitted. by copy, that the Commissioners appointed by the law of 1857, ever arranged and distributed the functions of the survey, as required by said act. A copy of a contract entered into by my predecessor, with Edward Daniels, marked "A," I transmit to you.

Two copies of a contract with James Hall, both signed by my predecessor, but neither of them signed by Mr. Hall, are on file. These contracts are exact copies of the one above given, except that the portion of the survey to be allotted to Mr. Hall is set forth as follows, to wit:

"The said James Hall shall take charge of the general "geology, the relations of the geology of this State with that "of the surrounding States, and the palaeontology of the "State, and properly to represent the same upon a map or "maps, sections &c., and to make the necessary collections "illustrative of the same, as contemplated in said act."

There are also on file two copies of a contract with Ezra S.

On file in this office is an account rendered by Prof. Daniels for the last quarter of the year 1857, as follows:

“State of Wisconsin to Edward Daniels, Dr.

To salary on Geological Survey, for quarter end-

ing December 16th, 1857, - - - \$500 00

Travelling expenses for said quarter, - - 123 00

Paid for chemical analysis of iron ores, to Dr.

Jackson, - - - 80 00

Transportation of specimens, - - - 16 25

Fitting room for specimens, - - - 26 75

\$746 00

EDWARD DANIELS.”

Madison, Dec. 30th, 1857.

“A.”

Having learned that J. C. Hopkins, Esq., was employed by my predecessor, to draw the aforesaid contracts, I caused enquiries to be made of him as to his information upon the subject of the arrangement and distribution of the functions of that commission, and received from him a letter, upon the subject, which is also transmitted herewith, marked “B.”

ALEXANDER W. RANDALL,

Governor.

COPY OF CONTRACT WITH EDWARD DANIELS.

This agreement, made this nineteenth day of June, one thousand eight hundred and fifty-seven, between Edward Daniels on one part, and Coles Bashford, the Governor of the State of Wisconsin, for and on behalf of said State, of the other part.

Witnesseth, That, whereas the said Edward Daniels, has been, by an act of the Legislature of the State of Wisconsin, entitled “An act to provide for a Geological and Agricultural survey of the State,” approved March 3d, 1857, appointed one of the commissioners to make such survey,

And, whereas, the Governor of said State is authorized by said act to make a contract with each of said commissioners, fixing the compensation, &c.

Now therefore it is hereby mutually agreed between the said parties (as far as they or either of them under said act are authorized to agree) that the said Edward Daniels shall work out the general, local, and economical geology of the State, shall collect such specimens of fossils and useful minerals as will illustrate the geology, and shall deposit them in the place specified in said act, and shall annually report the result of his labors and investigations to the Governor as far as practicable, and the said Edward Daniels shall receive for his services at the rate of two thousand dollars per annum, and that payment will be made only for such part of the year as such commissioner may be engaged in the discharge of his duty as such commissioner, together with the expenses incurred by him for necessary assistants, room rents, and the other expenses incurred by him in the discharge of his duty, and incident to said survey, to be paid at the time and in the manner specified in said act. And the said Daniels on his part doth hereby agree to devote his time and attention to the performance of the duties pertaining to his department of such survey as hereinbefore set out, and specified, and in all things perform the duties imposed upon him by said act and this contract, which is executed under said act, and said act is to be referred to to ascertain the right and authority of the respective parties, and to more fully define the duties of such commissioner under the same. It being hereby expressly understood that the aggregate of the salaries of all the commissioners, pay of assistants, rent of room, and all other expenses incident to said survey shall not exceed the sum of six thousand dollars annually, that being the extent of the appropriation therefor in said act. And it is further agreed that this contract is to continue for the period of six years from the sixteenth day of March last, and the salary herein before mentioned shall be paid annually for each year for six years as provided in said act, together with the expenses of said commission as herein before stated, the said salary to be paid quarterly. In testimony whereof the said Edward Daniels has hereunto set his

hand and seal, and the said Coles Bashford has affixed his name and seal, as Governor of said State the day and year first above written.

EDWARD DANIELS. [L. s.]

COLES BASHFORD. [L. s.]

Signed and sealed in presence of

FRANK H. FIRMIN.

SIDNEY FOOTE.

“B.”

MADISON, January 27th, 1858.

TO HIS EXCELLENCY GOV. RANDALL:

SIR—I have the honor to acknowledge the receipt of yours of this date, making enquiry as to whether I was employed by the late Executive to draw the contracts to be signed by the Commissioners for the Geological Survey, and whether I drew said contracts; and also, whether I had any knowledge of any agreement or understanding between the Commissioners named as to the *division* of the work.

In answer to which, I beg leave to state, that I was employed by the late Executive to draw said contracts, and did draw them; that at the time I drew them, two of the Commissioness, to-wit: Daniels and Carr, were present, and they furnished me with written statements showing the work to be performed by each of said Commissioners, which division I understood had been mutually fully agreed upon by said commissioners.

The contracts so far as they define the work to be done by each, are in conformity with the written statements and divisions furnished by said Daniels and Carr at the time of the drawing of the same.

I remain your obedient servant,

J. C. HOPKINS.

Message from the Assembly,

MR. PRESIDENT:

I am directed to inform you that the Assembly have adopted the report of the Joint Committee appointed under Joint Resolution No. 9, of the Senate, to report Joint Rules and Orders for the Senate and Assembly.

The select committee appointed under Joint Resolution No. 9, S., to report Joint Rules and Orders for the Senate and Assembly, have agreed upon the joint rules and orders of the last Legislature, with amendments, and would report herewith said rules and orders, as amended by them, and recommend their adoption.

A. J. BENNETT,

P. B. SIMPSON,

Of Senate.

W. C. WEBB,

P. H. SMITH,

Of Assembly.

JOINT RULES AND ORDERS OF THE SENATE AND ASSEMBLY.

1. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door of the Assembly by the Sergeant-at-arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

2. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

3. Messages shall be sent by the Chief Clerk, or his Assistant, in each House.

4. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have been passed.

5. When a bill or resolution, which has been passed in one House, is rejected in the other, it shall not be again brought in during the same session without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

6. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

7. All petitions, claims, bills, accounts, or demands, asking for an appropriation of money, shall be preserved by the committee to whom the same may be referred; and such committee shall endorse on every such petition, claim, bill, account, or demand, whether they report in favor of allowing

or disallowing the same; and if in favor of allowing a part thereof only, then the sum so reported. After such committee shall have reported upon the same, such petition, claim, bill, account or demand, and every of them, shall be delivered to the Chief Clerk of the House in which the same was first presented, to be filed by such Clerk, and delivered at the close of the session to the Secretary of State.

8. No account presented shall be acted on, unless verified by affidavit of the person in whose favor the same may be.

9. The committees of the two Houses on claims, on state affairs, on enrolled bills, state prison, and legislative expenses shall act jointly.

10. When a bill, resolution, or memorial, shall have passed either House, which requires the concurrence of the other, it shall be transmitted to said House without the necessity of entering an order upon the Journal of the House in which it is passed, requesting the concurrence of the other House.

11. It shall be in the power of either House to amend any amendment made by the other to any bill, memorial, or resolution.

12. In all cases of disagreement between the Senate and Assembly, if either House shall request a conference, and appoint a committee for that purpose, the other House shall appoint a similar committee, and such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for or against the disagreement, and confer freely thereon; and they shall be authorized to report to their respective Houses such modifications or amendments as they may think advisable.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost,

14. After a bill shall have passed both Houses, it shall be duly enrolled by or under the direction of the Chief Clerk of the Senate, or Chief Clerk of the Assembly, as the bill may

have originated in one or the other house, before it shall be presented to the Governor for his approval.

15. When a bill is duly enrolled, it shall be examined by a joint committee of five, two from the Senate and three from the Assembly, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, and make their report forthwith to the respective Houses.

16. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

17. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Chief Clerk of the Senate or Assembly, as the bill may have originated in the one or the other House: and the said committee shall report the day of presentation to the Governor, which shall be entered on the Journal of each House.

23. All orders, resolutions, and votes which are to be presented to the Governor for his approval, shall also, in the same manner, be previously enrolled, examined and signed, and then be presented in the same manner, and by the same committee, as is provided in case of bills.

19. All bills for repealing or amending an act, shall, in the title and body of the bill, designate the true title of the act proposed to be repealed or amended.

20. Whenever any report of a joint committee, or other document, shall be presented to both Houses of the Legislature, the House first acting on the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

21. No bill, making an appropriation of money, shall be introduced during the last ten days of the session, except

such as are necessary for the payment of the expenses of the session.

22. Whenever there shall be a joint convention of the two Houses, the proceedings shall be entered at length on the Journal of each House. The Lieutenant Governor shall preside over such joint convention, and the Chief Clerk of the Senate shall act as clerk thereof, assisted by the Chief Clerk of the Assembly; *Provided*, That the Lieutenant Governor shall not act in said convention except as presiding officer, and in no case shall have the right to give the casting vote.

23. Neither House shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

In which the concurrence of the Senate is requested.

I am further directed to inform you that the Assembly has concurred in the Senate amendment to bill

No. 38, A.

A bill for an act to extend the time of paying taxes in the city of Milwaukee.

No. 105, A.

A bill for an act concerning crimes,

Was then taken up.

Read first and second times and

Referred to general file.

Message from Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have considered the request of the Senate to return bill No. 70, S., a bill for an act concerning evidence and witnesses, and have directed me to return the same in accordance with such request.

Senator Martin moved a reconsideration of the vote by which No. 70, S., was passed.

The ayes and noes were called for.

Senator Maxon asked a call of the house.

Leave of absence was granted to Senators McClellan, Davis, Bean, Boyd and Chappell.

Call of the house was had.

Senators Tucker, Proudfit and Cook absent.

Senator Virgin moved that further proceedings under the call be dispensed with.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bennett, Chase, Giles, Hanchett, Joiner, Limball, Kingston, Pier, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—15.

Noes—Messrs. Clark, Greulich, Martin, Maxon, Mears, Schulteis, Walsh—7.

Motion prevailed.

The question being on reconsideration, and the ayes and noes being ordered, were as follows :

Ayes—Messrs. Bennett, Clark, Greulich, Hanchett, Kimball, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Tucker, Virgin, Walsh, Wheeler—15.

Noes—Messrs. Chase, Giles, Joiner, Kingston, Smith, Sutherland, Warren, Worthington—8.

The motion prevailed.

On motion of Senator Martin,

The bill was referred to the Committee on Judiciary.

Senator Tucker, on leave, introduced the account of William Crombie.

Referred to Committee on Claims.

Senator Martin moved that the Senate do now, adjourn.

The ayes and noes being ordered were as follows :

Ayes—Messrs. Clark, Greulich, Martin, Maxon, Mears, Schulteis, Simpson, Tucker, Warren, Walsh—10.

Noes—Bennett, Chase, Giles, Hanchett, Joiner, Kimball, Kingston, Pier, Smith, Sutherland, Virgin, Wheeler and Worthington—13.

Senate refused to adjourn.

Senator Martin moved to adjourn till 4 o'clock P. M.

Which was not agreed to.

Senator Greulich moved to adjourn till 3 o'clock P. M.

Not agreed to.

Senator Wheeler moved to adjourn till 2 o'clock P. M.

The ayes and noes being ordered were as follows :

Ayes—Messrs. Bennett, Chase, Giles, Joiner, Kimball, Kingston, Pier, Smith, Sutherland, Virgin, Wheeler, Worthington—12.

Noes—Messrs. Clark, Greulich, Hanchett, Martin, Maxon, Mears, Schulteis, Simpson, Tucker, Warren, Walsh—11.

Senate adjourned till 2 o'clock this day.

2 o'clock P. M.

Senate met pursuant to adjournment.

Senator Giles, President *pro tem.*, in the Chair.

Senator Chase submitted the following

REPORT:

The Judiciary Committee, to whom was referred bill No. 70 S., an act concerning evidence and witnesses, with amendments, and recommend that when so amended the bill pass.

C. S. CHASE, Ch'n.

On motion of Senator Wheeler,

The rules were suspended, and

Bill No. 70 S., put upon its passage.

Senator Cook moved to lie on the table, and order printed.

Senator Chase called for a division of the question.

The motion to lay on the table was not agreed to.

The question being upon the motion to order printed, and

The ayes and noes being ordered were as follows :

Ayes—Messrs. Cook, Maxon and Walsh—3.

Noes—Messrs. Bennett, Chase, Clark, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Wheeler and Worthington—21.

Not agreed to.

The report of the committee was then concurred in and the amendments proposed

Adopted.

Senator Clark offered the following amendments :

Amend Section 1, printed bill by inserting between the words "such" and "process" in the sixth line the word "summary."

Which was agreed to.

Also the following amendment :

Insert after the word "issues" in the 9th line of Section 1, the words "after such witness shall have been first summoned to appear and to produce such books, records, papers, &c.; and shall fail to appear as required by such summons."

The question being upon its adoption and the ayes and noes being called and ordered were as follows :

Ayes—Messrs. Bennett, Clark, Cook, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteif, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh,—20.

Noes—Messrs Chase, Giles, Wheeler, Worthington.—4.

Amendment adopted.

Senator Kimball moved to refer to select committee of five. That it be made the special order for 4 o'clock Monday P. M. And that the bill reported by committee be printed.

Which was agreed to.

The chair appointed to act as such committee, Senators Kimball, Martin, Clark, Cook and Wheeler.

Senator Smith submitted the following

REPORT:

The joint committee on enrolled bills, would report that they have this day, Jan. 29th, presented to the Governor for his approval,

No. 9 A.

An act for the relief of School District No. 1, in the town of Wausau, in the county of Marathon.

No. 38 A., An act to extend the time for the payment of taxes and assessments in the city of Milwaukee.

Also,

No. 50 S., An act to amend chapter 15 of the General Laws

of 1856, entitled An act to authorize the extension of taxes in certain cases.

W E. SMITH,
Ch'n Sen Com.

W. C. WEBB,
Ch'n Assm, Com.

BILLS PASSED.

No. 15. S.

An act to repeal an act relating to assessments of taxes in the county of Wood, approved March 5th, 1857.

Read the third time.

The question being upon the passage, and

The ayes and noes being required were as follows :

Ayes—Messrs. Bennett, Chappell, Clark, Davis, Grenlich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Prounfst, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—23.

Passed and title agreed to.

No. 39, S. An act to appoint Commissioner to lay out a State road named therein.

Read a third time. Passed and title agreed to.

No. 37, S., A bill to incorporate the Norwegian Evangelical Lutheran Synod, of the State of Wisconsin.

Read a third time.

Passed, and title agreed to.

No. 14, S. An act to legalize certain roads therein named, and declaring the same to be State roads.

Read the third time

Passed, and title agreed to.

No. 25, S. A bill to appropriate to H. C. Bull a certain sum of money.

The question being on its passage, and the ayes and nes being ordered, were as follows :

Ayes—Messrs. Bennett, Chase, Cook, Giles, Grenlich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudft, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—23.

Passed, and title agreed to.

No. 20, S.

An act to repeal Chap. 205 of the private and local laws of 1857 being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and to repeal the acts therein named.

Read third time.

Passed, and title agreed to.

No. 61, S.

A bill to appropriate to T. N. Bovee the sum of money therein named.

Read third time.

Passed.

Ayes—Messrs. Bennett, Chase, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, W. Ish, Wheeler, Worthington—23.

Title agreed to.

No. 62, S.

A bill to appropriate to T. A. H. Edwards the sum of money therein named.

Read third time.

Passed.

Ayes—Bennett, Chase, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—22.

Title agreed to.

No. 63, S., a bill to appropriate to Hermann L. Page the sum of money therein named.

Read third time.

Passed.

Ayes—Messrs. Bennett, Chase, Cook, Giles, Geulich, Hanchett, Joiner, Kimball, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler and Worthington—22.

Title agreed to.

Message from the Assembly.

MR. PRESIDENT:

I am directed to present for your signature,

No. 9, A., an act for the relief of School District No. 1, in the town of Wausau, in the county of Marathon.

No. 50, S., an act to amend Chap. 15 of the General Laws of 1856, entitled an act to authorize the extension of taxes in certain cases.

No. 38, A., an act to extend the time for the payment of taxes and assessments in the city of Milwaukee.

Which have been severally signed by the Speaker.

Said bills were then signed by the Lieut. Governor.

On motion,

Adjourned.

SENATE CHAMBER,
January 30th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Prayer by the Rev. Mr. Brooks.

Roll of Senators called.

Messrs. Chappell, Hanchett, McClellan, Proudfit, Smith, Warren, Walsh and Wheeler absent.

Journal of yesterday read, approved and adopted.

LETTERS, &C.

From the Post Master of Madison:

POST OFFICE, MADISON, WIS.,
January 29th, 1858. }

Gentlemen of the Senate:

SIRS—As there seems to be some misunderstanding, relative to the postage on papers received being charged to the State, I would state that I am officially informed, by the Secretary

of State, that he has no authority to audit accounts for printed matter, since January 28th, 1858. I have consequently placed names of all Senators on boxes, which they can have until the end of the session, free of charge. Such as see fit to accept, and can have their matter sent to the Senate by its messengers, by becoming responsible to me for quarterly postage on what papers are received through the mails of the United States, or can receive them at the office, as they may wish.

Very respectfully, your obedient servant,

JOHN N. JONES,

Post Master.

The deposition of Joseph Hannah, in the matter of the contest between William Chappell and William T. Butler, for the office of Senator of the 14th District.

Referred to Committee on Privileges and elections.

Senator Sutherland introduced

The memorial of Abiah H. Stevens and Betsy S. Stevens.

On motion of Senator Sutherland,

Laid on the table.

RESOLUTIONS INTRODUCED.

By Senator Bean,

No. 48, S.,

Resolved, That the Committee on Incorporations be instructed to report a bill for a general law limiting the number of inhabitants a village shall contain, before receiving a city charter.

By Senator Schulteis

No. 49, S.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of procuring relief, by an act of this Legislature, to such persons who have mortgaged their farms to aid in the construction of Railroads in this State, in case of foreclosure of such mortgages, and report at an early day to the Senate the result of their investigations in regard to said matter.

RESOLUTIONS TAKEN UP.

Resolution No. 46, S.

Resolved, That the Sergeant-at-arms be directed to make arrangements to have all Milwaukee newspapers, taken by members and officers of the Senate, forwarded by express, instead of sending them through the mail, and that all members receiving papers from any other place, forward to the publishers thereof, sufficient postage stamps to prepay the postage on all such papers.

With substitute :

Resolved That the members of the Senate and their officers who have subscribed for newspapers, permit their papers so subscribed for to remain in the post office, that the post master may send them back and thus save the taking of any newspapers at the expense of the State.

Laid on the table.

No. 47, S.

Resolved, That the Committee on Education, School, and University Lands, be instructed to enquire what further legislation, if any, is necessary, in order to more fully carry out the design of "An act for the encouragement of Academies and Normal Schools," approved March 7th, 1857, and that they report by bill or otherwise.

Adopted.

BILLS INTRODUCED.

Read first and second times and referred.

By Sena'or Kimball, on leave,

No. 85, S.

A bill for an act to amend an act entitled an act to incorporate the city of Berlin.

Referred to committee on Education, School and University Lands.

By Senator Bennett on leave,

No. 86 S.

A bill to regulate the fees of Attorneys in certain cases.

Which was referred to committee on judiciary.

By Senator Sutherland on leave,
No. 87 S.

A bill to change the name of Samuel Clark Reed, to that of Samuel Clark Stevens.

Referred to committee on judiciary.

Also,

No. 88 S.

A bill to extend the time for the collection of taxes in the city of Janesville.

Referred to genenal file.

REPORTS SUBMITTED.

By Senator Bean.

The committee on town and county organization, to whom was referred bill No. 12 S., to provide for the removal of the county seat of Juneau county, report it back to the Senate with an amendment, and when so amended recommend its passage.

S. C. BEAN,
Chairman.

Jan. 30th, 1858.

By Senator Kingston.

The committee on public Lands to whom was referred Senate Resolution No. 16, as follows :

Resolved, That Joint Resolution No. 3, approved March 29th, 1858, be, and the same is hereby repealed," have instructed me to report the same back, and recommend the adoption of said resolution.

Respectfully submitted,
J. T. KINGSTON,

Chairman.

By Senator Bean.

The Committee on Town and County Organization to whom was referred Bill No. 26, Senate, "A bill for an act to divide the county of Dunn and create the county of Pepin," have had the same under consideration, and report it back to the Senate, and recommend its passage.

S. C. BEAN, Chairman.

January 30, 1858.

Message from his Excellency, concerning Geological Survey was then taken up, and

Referred to Committee on Agriculture,
On Motion,

Senate resolved itself into committee of the whole on general file.

Senator Sutherland in the Chair.

After some time spent therein, the

Committee rose and reported with recommendations.

That No. 3, A.

Be referred to the Committee on Incorporations.

No. 6, S., and

No. 29, S., with amendments.

And that

No. 51, A—No. 69, S—No. 72, S—No. 43, S—No. 36, S—
No. 57, S—No. 7. A—No. 12, A—No. 37, A.

And memorials

No. 10, S—No. 12, S, and No. 28, A.

Do pass.

No. 3, A.

A bill for an act to vacate certain streets in the village of
Argyle.

Referred to committee on Incorporations.

No. 6 S.

A bill to incorporate Kilbourn University.

On motion of Senator Bennett,

Ordered engrossed.

Laid on the table, and

Ordered printed.

BILLS PASSED.

No. 29 S.

An act to legalize and provide for the collection of taxes in the county of Portage for the year 1857.

Ordered to a third reading.

Rules suspended.

Read a third time.

The question being upon the passage of the bill and the ayes and noes being called for and ordered were as follows:

Ayes—Messrs Bean, Bennett, Boyd, Chase, Cook, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Tucker, Virgin, Wheeler, Worthington.—23.

Passed.

Title agreed to.

No. 51 A.

A bill for an act to extend the time for the collection of school district tax of school district No. 2 in the town of Richland in the county of Richland.

Ordered to a third reading.

Read a third time.

Passed

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Tucker, Virgin, Walsh, Worthington—22.

Title agreed to.

No. 69 S.

A bill to appropriate to Wis. Telegraph Co., the sum of money therein named.

Ordered to a third reading.

Read the third time.

The question being upon the passage,
Three fifths of all the members present.

And the ayes and noes being required were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Shulteis, Tucker, Virgin, Walsh, Wheeler, Worthington—22.

Passed.

Title agreed to.

No. 72 S.

A bill to enable the State Superintendent of Public Instruction to complete the distribution of Webster's Unabridged Dictionaries.

No. 43 S.

A bill for an act to amend Chapter 62, of the private and local laws of Wisconsin, for the year 1855, entitled "An act to authorize the Board of Supervisors of Winnebago county to issue bonds for the purposes therein named.

No. 36, S.

A bill for an act to change the time for holding the Fall Term of the Circuit Court of Calumet county.

And memorials No. 10, S.

A memorial to the Congress of the United States in relation to a mail route, and

No. 12, S.

A memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant county, Wisconsin.

Were severally ordered engrossed, and

Read the third time.

No. 57, A.

A bill for an act to appropriate to Abiel E. Brooks the sum therein named.

No. 7, A.

A bill for an act for the relief of joint school district No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

No. 12, A.

A bill for an act to authorize school district number 3 of the town of Waterloo, in Jefferson county, to collect a tax therein named.

No. 37, A., a bill for an act to legalize the proceedings of a meeting of School District No. 6, in the town of Middleton, in the County of Dane.

And,

Memorial, No. 28, A., a memorial to Congress for the establishment of a mail route.

Were severally ordered to a third reading.

Senator Pier presented, on leave,

The accounts of J. D. Welch, and William Brown & Co.

Referred to Committee on claims.

Senator Tucker submitted the following

REPORT

The Joint Committee on Enrolled Bills have examined and compared,

No. 108, A., an act to amend the sixth section of an act to incorporate the North Western Insurance Co.,

And find the same correctly enrolled.

W. H. TUCKER, Sen. Com.

W. C. WEBB, Ch'n Assem. Com.

On motion of Senator Greulich,

Senate adjourned.

SENATE CHAMBER, }
Feb. 1st, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Brooks.

Roll of Senators called.

Messrs. Chappell, Cook, Giles, McClellan, Proudfit, Smith, Sutherland, Warren, Walsh and Wheeler, absent.

PETITIONS, ETC.

Mr. Clark presented the petition of a minority of the Corporators and Stockholders of the Wisconsin and Superior Railroad Company.

TO THE LEGISLATURE OF THE STATE OF WISCONSIN:

The petition of the undersigned citizens of the State of Wisconsin, represents:

That they were subscribers to the shares of the capital stock of the Wisconsin & Superior Railroad Company, and are now the owners thereof, and have paid all [instalments required thereon.

That the Company was created by an act entitled "an act to execute the Trust created by an act of Congress entitled 'an act granting public lands to the State of Wisconsin to aid in the construction of Railroads in said State,' approved June 3d, 1856, by incorporating the Wisconsin & Superior Railroad Company, and granting a portion of said lands thereto," approved October 11th, 1856.

That certain persons therein named, were "created, constituted, made, appointed and declared a body politic by the name and style of the Wisconsin & Superior Railroad Company," *perpetually*. That certain "rights, powers, privileges, franchises and immunities," of great value, were thereby granted, and conferred upon said persons; and the duty of executing the trust created by the act of Congress and the acts of the Legislature, to wit: the construction of a Railroad from Fond du Lac on Winabago Lake northerly to the State line, was imposed upon and required of them; which, after their acceptance, could neither be taken from them, nor resigned by them.

It was for the purpose of *executing* that trust, that said persons were appointed by the Legislature a Board of Directors of the Company; which office, after acceptance, they were bound to hold for the term appointed and until their successors were chosen by the stockholders. They were not authorized to resign, nor to fill vacancies. They voluntarily placed themselves in the situation of Trustees, from which they could only discharge themselves according to the terms of the act conferring it—and that was by executing it.

That the persons named as corporators were made perpetual members of the Wisconsin & Superior Company; and that the persons named as Directors now constitute the Board of Directors, and must continue to serve for the terms respectively

drawn by them, until the stockholders elect, or the Legislature appoints others in their stead. This act has never been repealed.

That in the month of October, 1856, the Board held a meeting at Oshkosh, and organized by electing its officers; and adjourned to meet on the 8th of November, which meeting and adjournment were without authority; the act of the Legislature disposing of the trust being a general law, (see sec. 33, and Rev. Statutes p. 31 and 60,) had *then* no force, as it was not published, and did not take effect until the 3d day of November, 1856.

That when the Board met in November, it proceeded upon that organization; resignations were made, accepted and vacancies filled with the names of persons who were not present and not stockholders; and a majority undertook to dispose of this Company to the Chicago, St. Paul & Fond du Lac Company; for which purpose some of the appointees of the Legislature were induced to resign as directors, and like influences being employed upon other members, each vacancy—or supposed vacancy—as it occurred, was filled by a person who was a member, or in the interest of the Chicago Company. The first person thus appointed to fill the first vacancy being the President of that concern, and who was subsequently elected by the new Board the President of this Company. *No cause* for the four first resignations was stated.

That the influences used on that occasion are not known to your petitioners; but the Legislature, by an almost unanimous vote, refused to give the grant in trust to the Chicago Co., on the ground, it is presumed, that a foreign corporation which was unable, or had failed, to construct the roads which were the object of its creation, was unfit to be employed to make another in this State, and to the exclusion of its own citizens.

They also charge upon information and belief, that the said four members of said board at that time, resigned for the purpose of surrendering the Railroad and the land granted in aid of its construction, to the Chicago Co., and that immediate-

ly thereafter they each received certificates of full paid shares of stock in the Chicago company, without paying any thing therefor, amounting to about two thousand shares, of one hundred dollars each, representing the sum of two hundred thousand dollars. and that no subscriptions were made on the stock book of said company by either of the persons in whose names the certificates were issued; and that this was therefore fraudulent stock, unauthorized by the charter of that company, and issued in violation of its provisions:

That the said certificates are dated an or about the 10th day of November, 1856, and were delivered to said members, or some of them, by one Perry H. Smith, then and now a member of the Legislature, and your petitioners are informed and believe, that the said Smith—whose law partner was a member of said board, appointed at his instance—was one of the agents or employees of the Chicago Co., to negotiate and effect the purchase by it of the Wisconsin Co., and of its Land Grant; and that he received four hundred and fifty shares of said full paid stock for his services on that occasion, and has since been made, and now is, the attorney, and a director, of said Chicago Co.

That the President of that company, stated publicly on that occasion, that it had cost his Co., two hundred thousand dollars, (or some other large sum) to purchase the Wisconsin Co. and land grant; that he regarded the transaction a "fair purchase," and not bribery, especially as he had insisted that a portion of it should be paid to all of the directors who resigned.

And it is charged that the Chicago Co., was then, and is now hopelessly insolvent, and unable to construct the said Railroad, and that, instead of applying the funds which it has been enabled to raise on the credit of this grant of land to aid its construction, it has used them, in violation of the 1st and 3d sections of the act of congress, upon another road, in a distant part of the State. No one can imagine that a road from Chicago to St. Paul, in Minnesota, and Fond du Lac on

Lake Superior, is *the road* defined in the act of Congress, which is to commence at Fond du Lac on Winnebago Lake and run thence northerly to the State line!

The 8th section of chapter 114 of the Revised Statutes enact that "Whenever any incorporated company shall have remained involvent for one whole year, or for one year shall have neglected or refused to *pay and discharge* its notes or other evidences of debt, or for one whole year shall have suspended the ordinary and lawful business of such corporation, it shall be deemed to have surrendered the rights, privileges, and franchises granted by any act of incorporation, or *acquired under the laws of this State*, and shall be adjudged to be dissolved."

And the 1st section of the act of Congress provides "That the lands shall be exclusively applied in the construction of that road for which it was granted—and shall be disposed of *only as the work progresses, and the same shall be applied to no other purpose whatsoever*;" and the 3d section provides that they "shall be subject to the disposal of the Legislature, for the purposes aforesaid, *and no other*." These, and the 9th, 12th, 31st, and 32d sections of the acts of incorporation, positively require "the funds derived from the lands granted, whether by sale, mortgage, or as a portion of the capital of the Co. on which it obtains credit, to be applied to the construction of the road."

And your petitioners further show, that on the 12th day of February 1857, an act was approved by the Governor, entitled "An act to authorize the Chicago, St. Paul, & Fond du Lac Railroad Co. and the Wisconsin & Superior Railroad Co. to consolidate;" which appears to have been intended as the consummation of the purchase made at Oshkosh.

This act was not passed upon the petition of the corporators named in the charter of the Wisconsin Co., nor of its stockholders. It purports to authorize the two companies to consolidate and become one, by the name of the Chicago, St. Paul & Fond du Lac Railroad Co.—neither of which places are in this State—"upon such terms and conditions as may

be mutually agreed by a majority of each of the two boards of directors of said companies respectively; provided that the stockholders representing *a majority* of the stock in each Co. to be thus consolidated consent to such consolidation."

All the corporators and stockholders of each company composed the companies respectively. A majority had no power but to elect directors. The consolidation was not to be made by a resolution of the Board of Directors to whom the direction of the affairs of the companies was given by their charters; but by "a majority" of the stockholders of each. This is an attempt to authorize a majority of the stockholders to dispose of their own stock by making it the stock of a *new* company, and to dispose of that of the *minority* also; to unite the stock of a company free from indebtedness with one overwhelmed with debt. In the case of the stockholders of the Wisconsin Co. it would render their stock liable to pay for the construction of the road from Chicago to St. Paul and to Fond du Lac or Lake Superior, and all of the numerous branches of that road; and to all the debts and liabilities of that concern, when the Wisconsin Co. had none.

The consolidation has been effected, it is understood, so far as the action of the "two boards," and a "majority of the stockholders" can accomplish it; but the *minority* of the stockholders and two of the corporators in the Wisconsin & Superior Co. have not consented, and do not "consent," either to the fraudulent purchase, or the act of consolidation—its consumation.

Their stock is the stock of a company having no pecuniary liabilities, with a capital of a million of acres of land of an acknowledged value equal at least to the cost of the Railroad.

The act seeks to transfer it, and make it the stock of a Co. previously, and at this time, involved in millions of debt, without means and without credit—the miserable remains of another insolvent concern, the Rock River Valley Union Railroad Company.

Your petitioners deny that the Legislature had the power

to consolidate their stock with that of another Co., and render it liable to the *debts* and *management* of that Co.

They deny that the board of directors of the Wisconsin Co., who agreed upon the terms of consolidation, were a lawful Board of Directors, either appointed by the Legislature, the corporators or the stockholders; and they charge that at least four of the majority of that board obtained their places by fraud.

They insist that a foreign corporation, having its office, records, funds, and principal officers in another State, beyond the jurisdiction and control of this, is not a proper and lawful agent to execute the trust accepted by this State of the United States.

They claim that the act creating the Wisconsin & Superior Co. constituted its *corporators* the agent of the State to execute the trust specified; and gave the directors or corporators no power to sell the agency, or its rights and privileges, capital or land, to another Co. and substitute such Co. in its stead; and that the directors were not authorized to do indirectly what they had no power to do directly; that the Legislature could not have intended to authorize the directors to transfer the Land Grant to the Chicago Co., because it expressly refused to do it itself.

And it is insisted that the act of consolidation was passed in violation of the vested rights of corporators and stockholders, and is void; that it was based upon fraud, and therefore should be repealed.

Your petitioners pray, that a committee may be appointed to investigate and report upon the matters and charges herein stated, with power to send for witnesses and papers.

That the proper officers of the Chicago Company be required to state its affairs and condition, and produce to the committee its stock subscription book, and also the book containing the *stubs* from which the certificates issued of shares of its capital stock have been taken.

And also to inquire and report by whom, and by what

fraudulent or other means, the will of the Legislature as expressed in the act of 1856 was, defeated, the execution of the trust and construction of the Road were indefinitely delayed, and the rights of Stockholders and interest of the State in the speedy completion of the Railroad to the lumber and mineral districts of the north, sacrificed.

That the Wisconsin and Superior Company may be revived its powers and duties restored, and new directors appointed by the Legislature, corporators, or stockholders; and other adequate provision made for the execution of the trust created by the act of Congress, and the act accepting it; and to ensure the construction of the Railroad from Fond du Lac northerly to the State line without further delay.

Your petitioners ask the Legislature to protect them in their rights as corporators and stockholders in said Company, from the fraudulent sale by the Directors, and the operation of the consolidation act, which have destroyed the value of their stock, and prevented them from constructing said road, by the adoption of such measures as the interests and honor of the State demand.

JAMES DUANE DOTY,
CURTIS REED,
MELANCTHON BURROUGHS.
JOSEPH TURNER.

Menasha, January 13, 1855.

It may be proper for me to make this accompanying remark before signing the foregoing, that, on receiving a line from the then Secretary of the Company, (Mr. Bigelow,) asking my consent, as a stockholder, to the consolidation, I did so, without at that time fully understanding what has since been shown to me as to the effect of such consolidation. The subsequent acts and proceedings of the new road has been such as to convince me of the impropriety of such consolidation, which I regard as utterly subversive of the best interests of Wisconsin.

JOHN A. BYAN.

Which was referred to the joint committee of investigation.

Ordered to appear at length upon the Journal and that 250 extra copies of said petition be printed.

Senator Kingston presented the petition of J. Turner and others, praying for the legalization of taxes therein named.

Referred to committee on Judiciary.

Senator Simpson presented,

Memorial, No. 13 S.

A memorial to Congress for the establishment of a mail route from Shullsburg in La Fayette county, to Apple river station in the county of Jo Davies in the State of Illinois.

Referred to general file.

RESOLUTIONS INTRODUCED.

By Senator Chase,

No. 50 S.

Resolved, That the Seargeant-at-Arms procure to be printed without delay, in one pamphlet, for the use of the Senate 300 copies of the Rules of the Senate, the Rules of the Assembly and the Joint Rules of the two houses, and a list of committees, and of the members and officers of both houses, and a copy of the Constitution of the State.

Rules suspended,

Resolution adopted.

Also,

No. 51 S.

Resolved, That the committee on public printing be requested to examine as to the manner in which all the printing for the Senate is done, and whether the Bills should not be printed on foolscap or writing paper similar to those of the Assembly, and that said committee may direct all said printing to be done in such manner as they think proper.

Rules suspended.

Resolutions adopted.

By Mr. Bean,

Resolved, That the Committee on State Affairs be instructed to examine the laws of this State, regulating the loaning of

the School Fund, and report to the Senate at an early day, whether, or not, in their opinion, any more stringent laws are needed, to prevent the loaning of said fund to irresponsible persons on insufficient security.

By Mr. Maxon.

Resolved, That the Committee on the Judiciary be instructed to report a bill which shall provide for the punishment of any director, officer, agent or servant of any Railroad Company, who shall appropriate, sell, transfer, or in any manner dispose of any funds or securities belonging to any Railroad Company, or to the stockholders thereof, for any other object than the necessary and legitimate purposes of such road.

RESOLUTIONS TAKEN UP.

No. 48, S.

Resolved, That the Committee on Incorporations be instructed to report a bill for a general law limiting the number of inhabitants a village shall contain, before receiving a city charter.

Adopted.

No. 49, S.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of procuring relief, by an act of this Legislature, to such persons who have mortgaged their farms to aid in the construction of Railroads in this State, in case of foreclosure of such mortgages, and report at an early day to the Senate the result of their investigations in regard to said matter.

Adopted.

BILLS INTRODUCED.

By Mr. Greulich, on leave.

No. 96, S.

A bill to amend section 64 of chapter 10 of the Revised Statutes, relating to District Attorneys to provide for the more effectual punishment of certain offences.

Read 1st and 2d times, and

Referred to Committee on Judiciary.]

Also,

No. 97, S.

A bill to amend section 64 of chapter 10 of the Revised Statutes, relating to District Attorneys.

Read 1st and 2d times, and

Referred to Committee on Judiciary.

By Mr. Virgin, on leave,

No. 98, S.

An act to repeal chapter 40 of the general laws of 1857.

Read 1st and 2d times, and

Referred to the Committee on Agriculture and Manufactures.

By Mr. Bean.

No. 89, S.

A bill for an act for selecting and summoning a grand and petit jury in Jefferson county.

Which was read first and second times.

Rules suspended.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

By Senator Martin, on leave,

No. 90, S.

A bill to amend chapter 116 of the Revised Statutes.

Read 1st and 2d times.

Referred to committee on judiciary.

Also,

No. 91 S.

A bill to amend the act entitled "an act to incorporate the Green Bay, Depere, and Madison Railroad company," approved March 17, 1853.

Read 1st and 2d times, and

Referred to committee on Rail Roads.

By Senator Kingston, on leave,

No. 92 S.

A bill for an act to legalize certain taxes therein named.

Read 1st and 2d times, and

Referred to committee on judiciary.

By Mr. Cook, pursuant to notice given.

No. 93 S.

A bill for an act entitled An act to appropriate a certain sum of money therein named, to defray the necessary incidental expenses of the Governor.

Read 1st and 2d times, and

Referred to committee on Contingent Expenditures.

Also, No. 94, S. A bill for an act entitled an act to appropriate a certain sum of money therein named, to defray the contingent expenses for the presnt year.

Read first and second times and

Referred to the Committee on Incidental Expenditures.

REPORTS SUBMITTED.

By Mr. Chase.

The Judiciary committee reports back bill No. 87, S., a bill to change the name of Samuel Clark Reed, to that of Samuel Clark Stevens, and to establish his heirship, with an amendment to the title, and when so amended that the bill pass.

C. S. CHASE

Chairman.

By Mr. Tucker.

The Joint Committee on Enrolled Bills have examined and and compared

No. 28, S. An act to appropriate to William H. Brisbane the sum of fifty dollars.

No. 78, S. An act to extend the time for the collection of taxes in the city and county of La Crosse.

And find the same correctly enrolled.

W. H. TUCKER,

of Senate Committee.

W. C. WEBB,

of Assembly Committee.

By Mr. Pier: and I report, as the report of the

The Committee on Claims, to whom was referred No. 82, S., to appropriate to H. Friend & Brother, a sum of money therein named, have examined the same and report it back and recommend its passage.

Also, the account of J. H. Castle, Sheriff of Waukesha county, and report a bill appropriating to J. H. Castle \$40 dollars, and recommend its passage.

E. PIER, Chairman.

No. 95, S. A bill to appropriate to J. H. Castle, Sheriff of Waukesha county, the sum of \$40

Referred to general file.

Senator Cook asked leave of absence, which was granted.

Message from his Excellency the Governor.

STATE OF WIS., EXECUTIVE DEPARTMENT,
MADISON, January 30, 1858. }

TO THE SENATE—

The following entitled acts, which originated in the Senate, have received the approval of the Governor, and are deposited with the Secretary of State :

For the auditing and payment of the postage of the members and officers of the Senate and Assembly, and State Officers.

To change the time for holding the Circuit Court in the counties of Columbia and Jefferson, in the Ninth Judicial Circuit.

To amend Chapter 15 of the General Laws of 1856, entitled "An act to authorize the extension of taxes in certain cases."

ALEX. W. RANDALL, Governor.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have concurred in

No. 28, S. A bill to appropriate to Wm. H. Brisbane the sum of fifty dollars.

No. 66, S. A bill to amend an act entitled "an act to incorporate the city of Madison,

No. 78, S. A bill for an act to extend the time for the collection of taxes in the City and County of La Crosse, and

Joint Resolution No. 19, S. Relating to Committee on State Prison visiting the same, &c.

And have passed

No 18 A., A bill for an act to incorporate the Farmer's Mutual Insurance Company of Calumet County.

No. 14 A., a bill for an act to authorize the collection of a delinquent school tax in the town of Bellona, in the county of Sauk.

No. 61 A., a bill concerning the county seat of Adams Co-
Memorial No. 52 A., a memorial to the Post Master General for an increase of mail service on mail route No. 13,763. In which the concurrence of the Senate is requested.

Memorial No. 52 A.

Bills No. 14 A., No. 61 A., No, 18 A., No. 95 S.,
Were seuerally read the first and second times, and
Referred to general file.

No. 61 A.

Read first and second time, and

Referred to committee on town and county organization.

Message from Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have concurred in memorial 9 S., a memorial to Congress for the establishment of Mail Route from Whitewater in Walworth county, to Columbus, in Columbia county.

Joint Resolution No. 17 S., relating to the State University.

Joint Resolution 18 S., Relating to distributing Public Documents to Beloit College.

No. 15 S., An act to repeal An act relating to the payment of taxes in the county of Wood, approved March 5th, 1857.

No. 17 S., A bill to amend chapter 373 of the Private and Local laws of 1856, entitled An act to incorporate the North Western Insurance company of Racine.

No. 19, S., A bill for an act to change the time of holding the terms of the circuit court in the county of Portage.

No. 20 S., An act to repeal chapter 305 of the private and local laws of 1857, being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and to repeal the act therein named.

No. 31 S., An act to provide for a special assessment and collection of taxes in the town of Caledonia, in the county of Columbia.

No. 32 S., A bill to amend an act entitled "an act to establish the name and heirship of an infant whose name is unknown," approved February 24th, 1857.

And,

No. 33 S., A bill to authorize Margaret Muir to convey land to a cemetery Association.

I am also directed to inform you that the Assembly have passed

No. 11 A., A bill for an act to appropriate to Haney & De Bow, the sum therein named.

No. 27 A., A bill for an act to establish Public Schools in the City of Hudson.

And,

No. 28 A., A bill for an act fixing the time for holding the terms of the Circuit Courts of Oconto County.

I am also directed to inform you that Messrs. Griswold, Baker, and Corson constitute the committee on the part of the Assembly, under joint resolution No. 17 S., relating to the State University.

I am also directed to present to you for your signature

No. 108 A., An act to amend the sixth section of an act to incorporate the North-Western Insurance Company.

Which has been signed by the speaker.

No. 28, A—No. 27, A—No. 11, A.

Were severally read the 1st and 2d times, and

Referred to general file.

BILLS PASSED.

Memorial No. 28, A.

A memorial to Congress for the establishment of a mail route.

Read third time.

Passed, and

Title agreed to.

No. 37, A.

A bill for an act to legalize the proceedings of a meeting of school district No. 6, in the Town of Middleton, in the county of Dane.

Read third time.

Passed, and

Title agreed to.

No. 12, A. A bill for an act to authorize school district No. 8, of the Town of Waterloo, in Jefferson county, to collect a tax therein named.

Read third time.

The question being on the passage of the bill, and the ayes and noes being called.

There was no quorum present.

Mr. Davis moved a called of the house.

Leave of absence was granted to Messrs. Sutherland, Giles, Smith and Walsh.

On motion, further proceedings under the call were dispensed with.

The question being on the passage.

Three fifths of all the members present.

And the ayes and noes being required were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Tucker, Virgin Worthington—18.

Passed and title agreed to.

No. 7 A., A bill for an act for the relief of Joint School District No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

Read a third time.

Three fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Tucker, Virgin Worthington—18.

Title agreed to.

No. 57, A. A bill for an act to appropriate to Abiel E. Brooks the sum therein named.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon Mears, Pier, Schulteis, Simpson, Tucker, Virgin, Worthington—18.

Title agreed to.

Memorial No. 12, S. A memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant County, Wisconsin.

Read third time.

Passed, and title agreed to.

Memorial No. 10, S. A memorial to the Congress of the United States in relation to a mail route.

Read third time.

Passed, and title agreed to.

No. 36, S. A bill for an act to change the time for holding the Fall Term of the Circuit Court.

Read third time.

Passed, and title agreed to.

No. 43, S. A bill for an act to amend chapter 62 of the private and local laws of Wisconsin, for the year 1855, entitled "An Act to authorize the Board of Supervisors of Winnebago county to issue bonds for the purposes therein named.

Read third time.

Passed, and title agreed to.

No. 72 S.

A bill to enable the State Superintendent of Public Instruction to complete the distribution of Webster's unabridged Dictionaries.

Read third time, passed, title agreed to.

Joint Resolution No. 12 A. concurred in by Senate.

On motion Senate went into

COMMITTEE OF THE WHOLE.

On general file

Mr. Simpson in the chair

After some time spent therein committee arose and reported No. 18 S., an act to provide for the publication and distribution of the laws of Wisconsin concerning the organization and government of towns, with amendments, and recommendation that it be referred back to committee on Printing. Report of committee adopted, and bill so referred.

Senate adjourned till 4 o'clock P. M.

4 o'clock P. M.

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Senator Kimball from the select committee reported substitute for No. 70 S., A bill for an act concerning evidence and witnesses.

On motion of Senator Kimball,

Laid on the table.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature, No. 78 S. An act to extend the time for the collection of taxes in the city and county of La Crosse.

And,

No. 28 S., An act to appropriate to Wm. H. Brisbane the sum of fifty dollars.

Which have been signed by the Speaker.

The Assembly have passed Joint Resolution No. 12 A. Relating to a memorial to Congress for a Grant of land for an Agricultural College

In which the concurrence of the Senate is requested.

No. 78 S. and 28 S. were then signed by the Lieut. Governor.

MR. PRESIDENT—

I am directed to present for your signature, No. 66 S., A bill to amend an act entitled An act to incorporate the city of Madison.

Said bill was then signed by the Lieut. Governor.

MR. PRESIDENT—I am directed to inform you that the Assembly has passed No. 6 A., a bill for an act to incorporate the North Western Turnpike Road Company.

No. 17 A. a bill for an act to incorporate the Columbia Stadt and BanVerein of Milwaukee.

And,

No. 132 A. a bill for an act concerning evidence and witnesses.

In which the concurrence of the Senate is requested.

The Assembly have concurred in the passage of No. 89 S., a bill for an act to provide for selecting and summoning a grand and petite jury in the county of Jefferson.

On motion of Senator Kimball,

Message taken up,

Rules suspended, and

No. 132 A. A bill for an act concerning evidence, and witnesses, taken up.

Read first and second time,

Rules suspended and

Bill put upon its passage

Read the third time,

The question being upon the passage of the bill and the ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Tucker, Virgin, Wheeler, and Worthington.—23.

Passed and title agreed to.

No. 17 A. Read 1st and 2nd times and referred to committee on Incorporations.

No. 6 A. Read 1st and 2nd times and referred to general file.

On motion of Senator Kimball.

No. 70 S., was then taken up and indefinitely postponed.

Senator Tucker on leave submitted the following

REPORT

The joint committee on enrolled bills report that they have examined and compared Senate bill No. 66, An act to amend an act entitled "An act to incorporate the city of Madlson," and find the same correctly enrolled.

W. H. TUCKER, Senate Com.

W. C. WEBB, Assembly, Com.

Mr. Boyd, on leave, submitted the following

REPORT :

The Committee on Public Printing, to whom was referred No. 18 S., an act to provide for the publication and distribution of the Laws of Wisconsin, concerning the organization and government of towns, have had the same under consideration, report said bill back with a substitute for the amendment offered by Mr. Schulteis, and recommend that the bill be passed with the amendments offered by the committee and the one offered by Mr. Worthington.

J. W. BOYD, Ch'n.

RESOLUTIONS INTRODUCED, ON LEAVE GRANTED-

By Mr. Davis.

No. 54 S.

Resolved, That the Bank Comptroller be requested to communicate to the Senate, a statement, showing the amount of registered notes returned by the different banks for destruction, in January, 1858 ; also, the amount of new notes issued ; and to what banks the same were issued, during the same period.

By Mr. Kingston, No. 55 S.

Resolved, That the committee on Town and County Organization be instructed to report at an early day, a bill authorizing the County Coards of the several Counties in this State

to submit if they deem best the question of the removal and location of the county seats of their respective counties to the legal voters in said counties.

By Mr. Hanchett.

Resolved, That the Committee on the Judiciary be instructed to enquire whether Wild Cat Banks can be wound up by *quo warranto*; and if so, to report a bill requiring the Attorney General to commence proceedings against all such banks.

On motion of Senator Chase.

Senate adjourned.

SENATE CHAMBER,
February 2d, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Senator Giles, President pro tem., in Chair.

Prayer by Rev. Mr. Miller.

Roll of Senators called.

Messrs. Chappell, Clark, Cook, Martin, Pier, Smith, Warren and Wheeler, absent.

Journal of yesterday read.

Approved and adopted.

PETITIONS PRESENTED.

By Mr. Tucker.

The petition of certain inhabitants of Crawford, Bad Ax and Richland counties.

Referred to Committee on Roads, Bridges and Ferries.

RESOLUTIONS INTRODUCED.

By Mr. Simpson.

No. 57, S.

Resolved, That the Judiciary Committee be, and they are hereby instructed to inquire into the expediency of repealing the usury laws of this State, or by so amending them as

to increase the rate of interest per annum, and report by bill or otherwise, at their earliest convenience.

By Mr. Chase.

No. 58, S.

Resolved, That the Sergeant-at-arms procure to be printed in the same pamphlet of Rules, etc., ordered yesterday, a copy of the Constitution of the United States.

Rules suspended.

Resolution adopted.

By Mr. Sutherland.

No. 59, S.

Resolved, That the Attorney General be requested to communicate to the Senate what suit or suits are now pending, in which the State is a party, and the condition of the same.

RESOLUTIONS TAKEN UP.

No. 55, S.

Resolved, That the Committee on Town and County Organization be instructed to report at an early day, a bill authorizing the County Boards of the several counties in this State to submit, if they deem best, the question of the removal and location of the county seats of their respective counties to the legal voters of said counties.

Adopted.

No. 52 S.

Resolved, That the committee on the Judiciary be instructed to report a bill which shall provide for the punishment of any director, officer, agent or servant of any Railroad Company, who shall appropriate, sell, transfer, or in any manner dispose of any funds or securities belonging to any Railroad Company, or to the stockholders thereof, for any other object than the necessary and legitimate purposes of such road.

Adopted.

No. 53 S.

Resolved, That the committee on State Affairs be instructed to examine the laws of this State, regulating the loaning of the School Fund, and report to the Senate at an early day,

whether, or not, in their opinion, any more stringent laws are needed, to prevent the loaning of said fund to irresponsible persons on insufficient security.

Adopted.

No. 54. S.

Resolved, That the Bank Comptroller be requested to communicate to the Senate, a statement, showing the amount of registered notes returned to the different banks for destruction, in January, 1858 ; also, the amount of new notes issued; and to what banks the same were issued, during the same period.

Adopted.

No. 56 S.

Resolved, That the Committee on the judiciary be instructed to enquire whether Wild Cat Banks can be wound up by *quo warranto*; and if so, to report a bill requiring the Attorney General to commence proceedings against all such banks.

Laid on the table.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Sutherland,

No. 99 S.

A bill to limit the rate of interest and to repeal chapter 55 of the general laws of 1856.

To committee on finance,

By Senator Mears.

No. 100 S., A bill for an act to legalize the proceedings of school district number one, in the town of Pepin, and to authorize the collection of a tax therein.

To Committee on Judiciary,

By Senator Kingston.

No. 101 S., An act to amend chapter 52 General Laws of 1857, entitled "an act to authorize the collection of agricultural, mineral and manufacturing statistics."

To Committee on Agriculture.

By Senator Cook.

No. 102 S., A bill for an act to protect the people against the money power, by limiting the rate of interest.

To Committee on Finance.

Senator Pier presented the accounts of Charles Holt and Andrew Bishop.

Referred to Committee on Claims.

REPORTS SUBMITTED.

The Judiciary Committee report back No. 2 S., A bill to change the time for holding the terms of the Circuit Court for Walworth County.

No. 79 S., A bill to legalize the official acts of Dominick Hunt, a Justice of the Peace in the County of Brown.

And recommend their passage.

Also,

[No. 86 S., A bill to regulate the fees of Attorneys in certain cases, with amendments, and recommend its passage when so amended.

Also,

No. 58 S., A bill for an act allowing certain Judges of the Supreme and Circuit Courts therein named mileage for travelling for the purpose of holding courts.

And recommend its indefinite postponement.

C. S. CHASE, Ch'n.

February 2d, 1858.

By Mr. Davis.

The Committee on State Affairs, to whom was referred No. 16 S., A bill to cede the jurisdiction of the State of Wisconsin over certain lands, to the United States, have had the same under consideration, and report the bill back with an amendment, and recommend its passage when so amended.

DAVIS, Ch'n.

By Mr. Bean,

The Committee on Town and County Organization, to whom was referred Bill No. 61, Assembly, having had the same under consideration, report it back to the Senate with

an amendment, and recommend its passage when so amended.

S. C. BEAN,
Chairman.

February 2d.

By Mr. Kimball.

The Committee on Incorporations report bill No. 53, Senate, "An Act to amend an act incorporating the City of La Crosse, approved, March 4th, 1856," and recommend its passage.

Also,

Report back bill 57, S., "An Act to incorporate the Savings and Trust Company, at La Crosse, Wisconsin," with amendments, and recommend its passage as amended.

M. L. KIMBALL,
Chairman.

By Mr. Davis.

The Committee to whom was referred No. 30, Assembly, "A Bill to amend an act entitled an act to change the names of Elizabeth Brooks and Virginia Brooks, approved March 13, 1855," have had the same under consideration, and report the same back without amendment, and recommend its passage.

M. M. DAVIS,
Chairman.

On motion,

Senate went into Committee of the Whole on general file.
Senator Hanchett in the Chair.

After some time spent therein,

Committee rose and reported back, with recommendations that

No. 71, S.—No. 49, S.—No. 64, S., and No. 52, S.,
And the substitutes for
No. 46, S., and No. 45, S.

Do pass.

That No. 35, S., be referred to a select committee.

And that No. 74, S. be referred to Committee on Judiciary.

BILLS ORDERED ENGROSSED AND READ A THIRD TIME.

No. 71 S.

A bill to appropriate to Maul and Grimm the sum of mone therein named.

No. 49 S.

A bill to amend section 17 of chapter 299 of private an local laws of 1855.

No. 74 S.

A bill for an act to repeal chap. 102 of the general law of 1857, entitled An act to fix the salaries of the Judges c the Circuit Court.

Referred back to committee on judiciary.

No. 52 S.

An act to repeal an act to authorize certain counties to aid in the construction of the Milwaukee and Horicon Rail Road.

Amendments of committee concurred in.

Senator Kimball moved to refer to Rail Road committee with instructions to report similar bill with regard to all the railroads in the State.

Senator Bean called for a division of the question.

The question being on the reference to the committee,

The motion prevailed.

The question being on instructing the committee,

And the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bennett, Davis, Giles, Hanchett, Joiner, Kingston, McClellan, Maxon, Pier, Simpson, Sutherland, Virgin, Wheeler, Worthington—14.

Noes—Messrs. Bean, Boyd, Chase, Cook, Greulich, Kimball, Martin, Mears, Prondfit, Tucker, Walsh—11.

The motion prevailed.

On motion,

Senate adjourned.

SENATE CHAMBER, }
Feb. 3d, 10 o'clock A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Britton.

Roll of Senators called.

Messrs. Chappell, Martin, Schulties, Smith, Tucker and Walsh, absent.

Journal of yesterday read, and approved.

PETITIONS, ETC., PRESENTED.

Deposition in the matter of the contest between William T. Butler and William Chappell, for the office of Senator of the 14th District.

Referred to Committee on Privileges and Elections.

Senator Clark read a communication which appeared in the Racine Daily Journal, reflecting upon some of the members of the Senate.

Mr. Sutherland moved to refer to special committee of three.

Senator Bennett moved to lay on the table.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kingston, McClellan, Pier, Virgin, Warren, Wheeler and Worthington—14.

Noes—Messrs. Clark, Cook, Greulich, Hanchett, Kimball, Maxon, Mears, Proudfit, Simpson, Sutherland and Walsh—12.

Agreed to.

Mr. Greulich presented the account of A. F. Phillips.

Referred to committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Giles,

Joint resolution No. 20 S.

Resolved by the Senate the Assembly concurring, That a joint committee consisting of two on the part of the Senate, and

three on the part of the Assembly, be appointed whose duty it shall be to report a joint resolution providing for the ordering of public documents printed in the foreign languages.

Rules suspended.

Resolution adopted.

By Senator Greulich,

Resolution, No. 60 S.

Resolved, That the judiciary committee be instructed, to inquire into, whether Sections 104 of Chapter 15 of the revised statutes is in full force at this time, and if so, whether the statute needs amending so as to provide for quieting tax deeds, in case of minors, idiots, married women, and insane persons, and report at an early day.

By Senator Worthington,

No. 61 S.

Resolved, That the committee on State affairs are hereby instructed to report a bill providing a suitable and fixed salary for the Secretary of State, State Treasurer, and Attorney General, and prohibiting the charging or receiving fees by such officers.

By Senator Bean.

No. 62 S.

Resolved, That the Judiciary committee be instructed to report a bill for an act requiring the mortgagee to discharge any mortgage at the time of receiving pay on any such mortgage.

RESOLUTIONS TAKEN UP.

No. 57 S.

Resolved, That the judiciary committee be, and they are hereby instructed to inquire into the expediency of repealing the usury laws of this State, or by so amending them as to increase the rate of interest per annum, and report by bill or otherwise, at their earliest convenience.

Adopted.

No. 59, S.

Resolved, That the Attorney General be requested to communicate to the Senate what suit or suits are now pending, in which the State is a party, and the condition of the same.

Adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Sutherland,
No. 103 S.

A bill to more fully carry into effect the system of international exchange and to appropriate an amount therein specified.

To General File.

By Senator Proudfit,
No. 104 S.

A bill to appropriate to Edward Gibbs, the sum of money therein named.

To committee on claims.

By Senator Mears,
No. 105 S.

An act to incorporate the Chippewa Falls Bridge Company,
To committee on incorporations.

By Senator Wheeler,

No. 106, S., a bill for an act to fix the time for the publication of legal notices.

To the Committee on Judiciary.

By Senator Virgin,

No. 107, S., a bill for an act to provide for laying a state road from Belmont, in La Fayette county, to the Junction House, in Grant county.

To Committee on Roads, Bridges and Ferries.

By Senator Tucker, on leave,

No. 109, S., a bill to appropriate a certain sum of money, therein named.

To Committee on Claims.

Also,

No. 110, S., a bill for an act to amend an act entitled "an act to lay out a state road therein named."

Approved, March 31st, 185^v

To Committee on Roads, Bridges and Ferries.

By Senator Joiner, from Committee on Agriculture,
No. 108, S., a bill to establish an Agricultural College.

Laid on the table.

By Senator Simpson.

No. 111 S.,

A bill for an act to authorize the laying out of a State road commencing in section twenty five, township twenty-seven, range fifteen, in the county of Shawano, to Big Bull Falls in the county of Marathon.

To general file.

COMMITTEE REPORTS.

By Senator Sutherland.

The committee on Education, School and University Lands, to which was referred No. 85 S., A bill to amend an act entitled "an act to incorporate the city of Berlin," report the same without amendment, and recommend its passage.

J. SUTHERLAND,

Chairman.

By Senator Joiner.

The committee on Agriculture and manufacture, to whom was referred so much of the Governor's Message as relates to Agriculture, ask leave to submit the following report and accompanying Bill.

L. W. JOINER,

Chairman.

REPORT

OF THE COMMITTEE ON AGRICULTURE AND MANUFACTURES.

The committee to whom was referred that portion of the Governor's Message which pertains to Agriculture, ask leave to make the following report:

Of the essentiality and real nobility of Agriculture, as a pursuit, there can be no question; neither can there be any doubt as to the important rank it holds, among the instrumentalities which determine the general condition and prog-

ress of the race; so that apart from the evident necessity for agriculture, the bare fact that nearly seven-eighths of the the whole human family subsist not only upon, but *by* it, as an occupation, should have marked it long ago as a subject pre-eminently worthy of legislative consideration, and governmental patronage.

The history of the world establishes the fact beyond a question, that Agriculture is the only sure and permanent foundation of any society or National Government; and yet its present condition, furnish as most mortifying evidence of its almost total neglect as an art and science, not only in those portions of the world where the manual labor necessary to its practice is a disgrace, but even in our own country where it is claimed that all men are equal and labor honorable, a fact all the more remarkable because of the characteristics of our people and country.

A large majority of the States of the American Union, ever have been, and probably always will be, chiefly dependent for their wealth and power upon the natural products of the earth. Herein is our security—the fact that this is an *agricultural* country, with a well adapted people, is the true ground of our hope for prosperity and perpetuity as a nation. Especially is this true of our own State.

With almost unequalled advantages of physical configuration; with unsurpassed fertility and a remarkable distribution of different classes of the best soils; with numerous streams of water, some of them navigable for imports and many of them for exports; with whole galaxies of sparkling lakes for still further watering, and the beautiful clustering homes of her rural population; easily penetrable by railroads and almost surrounded by navigable waters; and withal characterized by a climate just enough exacting to stimulate the intellectual and physical energies of her people, our noble Wisconsin would seem to have been marked by nature as by pre-eminence an agricultural state.

Our statistics also show what is our chief reliance. The

recent report of the Secretary of State furnishes data for the aggregate result of about fifty millions (\$50,0000,000) worth of legitimate agricultural products for the year ending Dec. 31, 1857, a sum which while it is absolutely large, swells in importance by comparison with the results of our commercial, manufacturing and mining operations.

By the same report, we find the whole number of acres of taxable land in Wisconsin returned at 12,917,756, with an average valuation of \$3,69 per acre, equal to \$47,748,402 aggregate valuation, according to which the agricultural products of the State amount to a little more than 100 per cent. on the valuation, and 23 per cent. on the equalized valuation of the whole amount of property in the State.

Of the prominence of agriculture, therefore, as the paramount interest of this State, we have abundant proof.

But lest the glitter of this general aggregate result should deceive us, least our pride and hope should rest upon a false basis, we have been led to examine into the details of Wisconsin Agriculture; and the result is a mortification of our pride, and a deep concern for the future. The aggregate yield per acre is really less than in many of the old and less favored States. Even New England with her niggardly soil and more rigorous climate, puts us to shame.

As by the report of the Secretary of State, the whole number of acres in wheat for the year 1857, was 52,393, with an aggregate product of 8,717,756 bushels, showing an average of 16 2-5 bushels per acre.

Whole number of acres in oats,	176,609
With an aggregate product of	6,312,304 bush.
Showing an average of per acre,	32 1-5 "
Whole number of acres in rye,	15,050
With an aggregate product of	220,531 bush.
Showing an average per acre of	14 2-3 "
Whole number of acres of corn,	285,339
With an aggregate product of	5,100,790 bush.
Showing an average per acre of	17 6-7 "

Other products show like meagre results.

True, in the raising of wheat, which is considered our chief staple, we are in advance of some other states, since the average for the Union is 11 bushels per acre! but in the matter of corn we fall below the average, which is 25 bushels per acre; so also, in rye, potatoes and several other products, we are even below the old Atlantic States; while our whole country is so far behind Great Britain and some of the continental countries, that we have been characterized the most thriftless class of farmers in the civilized world! Indeed, in view of our advantages, absolute, and as compared with other States less munificently endowed by nature, our statistics are a reproach to our system of agriculture, and call loudly for an explanation and a remedy. The explanation is two fold, lying partly in the cheapness of our lands, but more largely in the lack of scientific knowledge on the part of our farmers. The former cause is in rapid process of removal by the influx of a growing immigration; the latter most imperatively demand institutions of learning, in which the present and prospective farmers of the State may acquire a knowledge of the known principles involved, and where though oft-repeated and carefully conducted experiments, the noble and complex science of agriculture, as specially related to our soils and climate, may be more fully developed.

In the midst of this eminently practical age, when, through the stimulus of science, commerce and the manufacturing arts, have made such rapid strides; when cities are built in a day; when the throb of the steam chamber, like the heart-throb of a mighty people, is heard on all our interior seas and rivers; when the workshops of the world are full of labor-saving machinery, and the genius of mechanics, is offering finished and economical implements to the husbandman, as fast as his wants are made known; when science is pressing the elements into the world's service, compelling fire and water to do its daily work, and the lightning to carry its messages,—in *such* an age, it is not fit that he whose busi-

ness it is to conduct those mysterious, vital processes, by which the lifeless and otherwise useless forms of matter are transmuted into the life-sustaining plant, and the yet more wonderful organism of the animal,—whose work it is to feed and clothe the world of men—should grope his way in ignorance of even the leading facts and principles of his profession

The pursuit of farming requires, in order to its highest success, a larger fund and more extensive range of scientific knowledge, and if properly conducted, is more prolific of reliable profit and substantial happiness, than any other material occupation of man. Nor is it because the sciences have been less generous toward the art of Husbandry, that its devotees are so deficient of the requisite scientific knowledge.

No! Science, wonder working science is guilty of no mean parsimony or partiality, but opens liberally to all her hand of plenty. And the husbandman is beginning to feel his blindness and now earnestly asks for that light which is to him the light of life; is beginning to feel and more fully realize the cause of his degradation and at last to demand that his occupation be lifted up to the dignity of a profession and science.

Various instrumentalities are already at work for the accomplishment of this grand result; all of which, however, have been but the fore-runners of that greater and crowning instrumentality—the Agricultural College. The work is too vast for single individuals or small associations of individuals. It demands the combined efforts of the people of the whole State. Five-sixths of our population are cultivators of the soil: and it is neither just nor consistent with an enlightend State policy that this large majority should be without the means of a knowledge of the principles of their profession, while the small minority are so amply provided for.

The farmers of our State have long and patiently borne four-fifths of the whole burden of taxation, while in a large majority of cases the benefits accruing have been directly to other classes. They now ask an appropriation of such funds or property as may be available, for their more direct and im-

mediate advantage—for the establishment of an institution, where the several sciences which pertain to Agriculture may be thoroughly taught in the laboratory and cabinet, and on the farm.

Scientific institutions, devoted to agriculture, are being established in other countries, and the improved condition of their rural population, together with the extraordinary improvement in the fertility of their soils, fully attest their great value. In Prussia there are 70 such institutions, a number of them specially devoted to the improvement of some particular staple product; while in the several countries of Europe, taken together, there are 500 agricultural schools.

Great Britain is especially illustrative of the immense benefits of applied science. At the beginning of the present century, the land in cultivation was 40,881,800 acres, and the population 16,338,002; so that the proportion of cultivated land was 260 acres for every 100 inhabitants. Since then, up to 1850, the increase of cultivated land has been 4,129,777 acres, and to the population 12,669,107 inhabitants; so that for 100 individuals added, only 32 acres have been brought into cultivation, and now the proportion is 1 2-3 of an acre instead of 2-6 to each person. With a population of 27,619,866, she supports them all, aided by a trifling importation, upon less than 123,000 square miles! being about 225 to a square mile; and the statistics exhibit the interesting fact that while 35 1-6 per cent. of her people were required, as late as 1841, to supply her population with food, only 26 per cent. is now required; showing that the quantity for the production of which seven families were then employed, is now produced by five.

Now there is nothing peculiar to the climate or the soil of Great Britain that should enable her to raise 32 bushels of wheat per acre as the average instead of 11, and other crops in proportion. The sun shines upon no other better country than ours. With a generous climate, and a soil rich in the mould of centuries, and with the best race that peoples the globe, we ought to lead the world in the agricultural art.

Tue, we have not yet the pressing necessities for food, which England feels, and the temptation is strong to exhaust one portion of country by a reckless system of cropping, and then abandon it for another; so that the beautifying of our homes with reference to their occupancy by our successors in the family, and the consequent strong attachment of children to the homes of their ancestors, and that patriotism which the love of home begets, are in danger of being so far disregarded that we shall eventually lose by a comparison in this respect, with the mother country. Surely the history of other States and countries, and the shameful deterioration of our own soils, ought to teach the State of Wisconsin the better policy of stopping this waste and exhaustion before stern necessity shall drive us to a restoration, involving ten times the expense of a rational prevention.

In order to such prevention it is the opinion of the committee on Agriculture, that scientific knowledge on the part of the farmer is the great desideratum; and we, therefore, earnestly recommend, not only, that the suggestion of our worthy executive be adopted in the matter of petitioning Congress for a grant of lands to aid in the endowment of an Agricultural College, but would urge the importance of first doing something on our own behalf, as a State, before we ask the aid of Congress.

The legitimate scope of such an institution, demands, in order to a marked usefulness, a large endowment, and it is the hope and unanimous desire of the committee, that such an appropriation be made as shall comport with the importance and magnitude of the enterprise, and the dignity of our State.

Accordingly, after mature deliberation, and with the full concurrence of the Assembly committee, we beg leave to offer the accompanying bill for an act to establish an Agricultural College.

Signed,

L. W. JOINER.
D. W. MAXON.
D. WORTHINGTON.

} Committee.

On motion of Senator Bean.

Ordered that five hundred copies of said report be printed in pamphlet form for the use of the Senate.

By Senator Simpson.

The Committee on Roads, Bridges, and Ferries, to whom was referred the petition of J. A. Murray and others, praying for the passage of an act appointing Commissioners to lay out a state road in Shawano county, to Big Bull Falls in the county of Marathon, have instructed me to report the same back by bill, and recommend its passage.

P. B. SIMPSON, Chairman.

By Senator Boyd.

The Committee on Public Printing to whom Resolution No. 51, S., was referred, would report that they have called upon the Printer who does the Senate printing, and have received assurances from him that he has ordered good foolscap paper on which the Bills of the Senate will hereafter be printed, as soon as said paper arrives, and that the printing for the Senate shall hereafter be done promptly and in good order.

JOHN W. BOYD, Chairman.

By Senator Tucker,

The Joint Committee on Enrolled Bills report, that they have examined and compared No. 89, S., a bill for "an act to provide for selecting and summoning a Grand and Pitit Jury in the county of Jefferson, and find the same correctly enrolled.

W. H. TUCKER, Senate.

W. C. WEBB, Assembly.

By Mr. Tucker.

The Committee on Enrolled Bills have examined and compared No. 132, A., "An act concerning evidence and witnesses," and find the same correctly enrolled.

W. H. TUCKER,

Of Senate.

W. C. WEBB,

Of Assembly.

By Mr. Warren.

Committee on Enrolled Bills report correctly engrossed No. 49, S.

J. H. WARREN.

By Senator Tucker.

The joint committee on enrolled bills would report that they presented to the Governor for his approval, February 1st 1858, the following bills, to wit :

No. 28 S.

An act to appropriate to W. H. Brisbane the sum of fifty dollars.

No. 78 S.

An act to extend the time for the collection of taxes in the city and county of La Crosse.

No. 66 S.

An act to amend an act entitled "an act to incorporate the city of Madison."

No. 108 A.

An act to amend the sixth section of an act to incorporate the North Western Insurance Co.

And your committee would also report that they have this day, February 3d. 1858, presented to the Governor, for his approval

No. 132 A.

"An act concerning evidence and witnesses."

W. H. TUCKER, of Senate.

W. C. WEBB, of Assembly.

Committee.

MESSAGES

From the Bank Comptroller :

Office of Bank Comptroller. }
Madison, Feb. 3d 1858. }

HON. E. D. CAMPBELL,

LIEUT. GOV. AND PRES. OF THE SENATE :

SIR—In reply to the resolution of the Senate of the 2d inst. I have the honor to submit herewith, the annexed statement marked "A." showing the amount of countersigned notes,

issued and delivered to the several Banks in this State, during the month of January 1858, and statement marked "B." showing the amount of circulating notes returned for destruction, to the Comptroller's office during the same period.

Very Respectfully,

Your Ob't. Servant,

J. C. SQUIRES.

Bank Comptroller.

BANK COMPTROLLER'S OFFICE. }
Madison, Feb. 2, 1857, }

Statement showing the amount of circulating notes returned to the Bank Comptroller's office, for destruction from the 1st to the 4th of January, 1858 inclusive, the day on which the semi-annual reports were made to this office. Also, from the 4th to 30th January inclusive, as follows:

Farmers & Millers Bank, Milwaukee,	\$400
State Bank, Madison,	1600
Bank of Montello, Montello,	699
	<hr/>
	2699

Amount returned from the 4th to the 30th, inclusive.

Jefferson County Bank, Watertown,	1000
Commercial Bank, Racine,	203
Fox River Bank, Green Bay,	665
Brown County Bank, Depere,	522
Badger State Bank, Janesville,	780
Rock River Bank, Beloit,	4,800
Peoples Bank, (closing) Milwaukee,	1,870
Racine County Bank, Racine,	3,600
Wisconsin Bank of Madison, Madison,	14,100
Dane County Bank, Madison,	2,200
Farmers & Millers Bank, Milwaukee,	3,206
Bank of Racine, Racine,	659
Bank of Fond du Lac, Fond du Lac,	88
Second Ward Bank, Milwaukee,	800
Marine Bank, Milwaukee,	2,400

Northern Bank, Howard,	945
Merchants Bank, Madison,	100
Green Bay Bank, Marinette,	6
Bank of Milwaukee, Milwaukee,	1,000
State Bank, Madison,	500
Globe Bank, (closing) Milwaukee,	725

Total returned during the month of January, \$42,868

The whole amount of countersigned notes issued and delivered to the banks during the month of January, 1858, is eighty-one thousand, seven hundred and eighty dollars. As follows:

From January 1st to 4th, inclusive.

Wisconsin Bank of Madison, Madison,	\$12,000
Bank of Montello, Montello,	699

From January 4th to 30th, inclusive.

Wisconsin Valley Bank, Millville,	15,000
Commercial Bank, Racine,	203
Arctic Bank, Eagle Point,	14,000
Bank of Columbus, Columbus,	1,000
Bank of Montello, Montello,	699
Wisconsin Bank of Madison, Madison,	1,000
State Stock Bank, Eau Claire,	21,100
Corn Exchange Bank, Waupun,	10,802
Bank of Fond du Lac, Fond du Lac,	88
Bank of Fox Lake, Fox Lake,	2,000
Forest City Bank, Waukesha,	497
Mercantile Bank, Beaver Dam,	1,197
City Bank of Beaver Dam, Beaver Dam,	1,000
Juneau Bank, Milwaukee,	495

Total issued during January, \$81,780

Referred to committee on Banks and Banking.

From the Superintendent of Public Property.

OFFICE OF SUPERINTENDENT OF PUBLIC PROPERTY, }
MADISON, February 1st, 1858. }

TO THE HONORABLE MEMBERS OF THE SENATE:

GENTLEMEN:—In reply to your honorable resolution No. 43 S., allow me to lay before you my report relating to above mentioned resolution.

Yours very respectfully,

RUFUS PARKS,
Sup't of Public Property.

DELIVERY OF STATIONERY TO THE LEGISLATURE FROM
JANUARY 13TH TO 26TH, 1858.

130 boxes Stationery distributed to the honorable members, each to amount of \$26.57, making the full amount of \$3,454 10

Besides above the following amounts of Stationery have been delivered according to order from the following honorable members of the Senate, to-wit:

S. C. Bean,	-	-	-	-	-	-	1 75
Wm. Chappell,	-	-	-	-	-	-	6 86
Temple Clark,	-	-	-	-	-	-	2 05
L. W. Joiner,	-	-	-	-	-	-	1 75
S. R. McClelland,	-	-	-	-	-	-	3 55
E. Pier,	-	-	-	-	-	-	2 25
A. Proudfit,	-	-	-	-	-	-	1 25
P. B. Simpson,	-	-	-	-	-	-	1 75
P. Walsh,	-	-	-	-	-	-	10
D. Whortington,	-	-	-	-	-	-	2 25
							<hr/>
							\$23 56

The following amount of Stationery has been delivered according to orders from the following honorable members of the Assembly, to-wit:

A. Alden,	-	-	-	-	-	-	6 95
A. B. Alden,	-	-	-	-	-	-	7 12
Ayers,	-	-	-	-	-	-	1 84
Baker,	-	-	-	-	-	-	3 20
Bassinger,	-	-	-	-	-	-	2 50
Bemis,	-	-	-	-	-	-	3 20
Billings,	-	-	-	-	-	-	2 25
Brown,	-	-	-	-	-	-	2 20
Bracken,	-	-	-	-	-	-	44
Burdick,	-	-	-	-	-	-	1 00
Camoron,	-	-	-	-	-	-	1 50
Cannon,	-	-	-	-	-	-	4 00
Carney,	-	-	-	-	-	-	4 13
Condit,	-	-	-	-	-	-	1 20
Cornwell,	-	-	-	-	-	-	1 50
Corsan,	-	-	-	-	-	-	3 70
Catzhausen,	-	-	-	-	-	-	20
Dean,	-	-	-	-	-	-	3 25
Detmering,	-	-	-	-	-	-	3 30

Duchman,	3 09
Dufeer,	1 50
Dunn,	1 95
Dyer,	2 22
Earl,	5 66
Earnest,	2 50
Easton,	4 95
Ellsworth,	1 50
Emery,	20
Field,	1 78
Gault,	3 75
Gibbs,	1 45
H. Gray,	2 84
Griswold,	3 09
Hall,	5 00
Hamilton,	2 28
Hannahan,	2 25
Hawley,	1 20
Hayden,	20
Hitt,	1 60
Holmes,	1 50
Irish,	2 75
N. Juneau,	2 36
P. Juneau,	12 47
Kenealy,	3 95
Kribs,	20
Mason,	1 10
Mather,	1 85
Millard,	2 25
McAllister,	60
McCarty,	2 45
McDannell,	95
McKibbin,	1 45
McWhorter,	20
Noble,	3 00
Northrup,	40
Patch,	3 95
Pease,	10 17
Prentice,	1 75
Pricket,	2 75
Robbins,	4 02
Roberts,	1 50
Robinson,	3 98
Radolf,	1 84
Rogan,	7 38
Savage,	6 83
Selden,	5 29
Sharp,	20
G. Smith,	2 25
H. Smith,	2 93
Starke,	4 25
Steever,	2 44
Steiner,	1 95
Sterling,	50
Schulties,	1 85
Tuttle,	9 50
Van Wie,	3 97

Vinton,						2	90
Warner,						3	67
Webb,	-	-	-	-	-	7	12
Weil,	-	-	-	-	-		60
Williams,	-	-	-	-	-	3	60

\$238 00

The following amounts of Stationery has been delivered according to orders from the respective Officers of both Houses, to-wit:

F. S. Lovell, Speaker Assembly,						10	00
J. L. V. Thomas, Chief Clerk,						102	52
L. H. D. Crane, Chief Clerk,						220	46
M. Sellers, Enrolling Clerk,						20	69
N. L. Stout, Sergeant-at-Arms,						56	60
F. Massing, Sergeant-at-Arms,						127	41
Q. Bannon, Assistant Sergeant-at-Arms,						26	57

\$564 25

The following amounts of Stationery to order from the respective Committees of both Houses, to-wit:

Committee on Education, Assembly,						27	33
" Contingent Expenses, Assembly,						3	59
" Contested Election, Senate,						21	96
" Roads and Bridges, Assembly,						5	32
" Agriculture, Assembly,						23	87
" Medical College, Assembly,						4	60
" Towns, Senate,						4	87
" Incorporations, Assembly,						21	37
" State Land, Assembly,						1	38
" Claims, Senate,						22	45
" Investigation, Senate,						35	59
" Judiciary, Assembly,						5	98
" House of Refuge, Assembly,						1	50
" Railroad and Land Grant Investigation, Assembly,						22	34

\$202 15

Very Respectfully,

RUFUS PARKS,

Supt. of Public Property.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed No. 124 A., To fix the compensation of the officers of the Legislature for the year 1858.

In which the concurrence of the Senate is requested.

No. 124 A.,

Read the first and second times.

Referred to general file.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in

No. 25 S., A bill to appropriate to H. C. Bull a certain sum of money.

And has passed

Memorial 44 A., A memorial to Congress for a mail route from Ridgeway to Arena, in Iowa county.

And,

Memorial 62 A., A memorial to the Post Master General for a change in mail route No. 13,751, and in increase of mail service on the same.

And,

Bill No. 19 A., A bill for an act to regulate the boundaries of Clark and Jackson counties.

No. 22 A., A bill for an act to repeal chapter 219 of the private and local laws of 1857.

No. 25 A. A bill for an act to incorporate the Madison and Pheasant Branch Gravel and McAdam Road Company.

No. 32 A., A bill for an act to appropriate to William A. Campbell the sum of money therein named.

No. 43 A., A bill for an act to amend chapter 505 of the Laws of 1856, entitled "an act to incorporate the Green Bay & Kewaunee Plank Road Company.

No. 44 A., a bill for an act to change the time of holding the annual election of Directors of the Wisconsin Central Railroad Company.

No. 46 A. a bill for an act to lay out a State road from Fancy Creek, in Richland county, to Reedstown, in Bad Ax county.

No. 77 A., a bill for an act to incorporate the Brodhead Female Seminary.

No. 80 A., a bill for an act to change the name of the village of Boston to that of Northport.

No. 81 A., a bill for an act to incorporate the Half Moon Lake Canal company.

No. 84 A., a bill for an act legalizing a tax for the year 1857 in the town of Otsego, Columbia county.

No. 85 A., a bill for an act to appropriate to Edward Rankin the sum of \$25 00.

And,

No. 86 A., a bill for an act for the relief of the county of Jackson.

In which the concurrence of the Senate is requested.

I am also directed to present for your signature.

No. 89 S.,

An act to provide for selecting and summoning a Grand and Petit Jury in the county of Jefferson.

No. 132 A.,

A bill for an act concerning evidence and witnesses.

Which has been signed by the Speaker of the Assembly.

No. 62, A—19, A—22, A—25, A—32, A—43, A—44, A—46, A—77, A—80, A—81, A—84, A—85, A., and 86, A.,

And,

Memorial No. 44, A.

Were severally read the first and second times, and

Referred to general file.

BILLS PASSED.

On motion of Senator Davis,

The rules were suspended, and

No. 84, A.

A bill for an act legalizing a tax for the year 1857, in the town of Otsego, Columbia county.

Taken up, and

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—22.

Title agreed to.

No. 71, S.

A bill to appropriate to Maul & Grimm the sum of money therein named.

Read the third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clrrk, Cook, Davis, Giles, Kimball, Kingston McClellan, Maxon, Mears, Pier, Proudfit, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, and Worthington.—22.

Title agreed to.

No. 49 S.

A bill to amend section 17 of chapter 299 of private and local laws of 1855.

Read the third time.

Passed.

Title agreed to.

On motion Senator Sutherland, the rules were suspended
And,

No. 88 S. A bill to extend the time for the collection of taxes in the city of Janesville.

Was taken up.

Ordered engrossed and to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—24.

Title agreed to.

Senator Worthington on leave introduced the account of D. J. Powers.

Referred to Committee on Claims.

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 35 S. substitute for 13 S. Being a bill for an act to amend an act entitled "An act to regulate voluntary assignments, with a view of insolvency," approved March 7th, 1857."

Report of committee concurred in.

Referred to select committee.

Messrs. Cook, Kimball, and Chase were appointed such Committee.

No. 74 S. A bill for an act to repeal chapter 102 of the general laws of 1857, entitled "An act to fix the salaries of the judges of the Circuit Courts."

Report of committee concurred in.

Referred back to Committee on Judiciary.

No. 64 S. A bill for an act to change the name of Martha Rozilla Vantyne to Mary Rozilla Bierce.

Ordered engrossed and read a third time.

No. 46. S. A bill to appropriate to Edwin Palmer the sum of money therein named.

Substitute adopted.

Ordered engrossed and read a third time,

No. 45 S.

A bill to appropriate to G. W. Mygatt, the sum of money therein named.

Substitute adopted.

Ordered engrossed, and to a third reading.

On motion of Senator Virgin, the rules were suspended, and

No. 124 A.

A bill for an act to fix the compensation of the officers of the Legislature for the year 1858.

Was taken up.

Senator Bennett moved to refer to committee on Legislative expenditures.

Which was not agreed to.

Ordered to a third reading.

Read the third time.

The question being on the passage of the bill,

And the ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Proudfit, Simpson, Sutherland, Virgin, Warren, Wheeler—18.

Noes—Messrs. Bennett, Boyd, Cook, Martin, Pier, Tucker, Walsh, Worthington—8.

Passed, and title agreed to.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed Joint Resolution No. 14, A., authorizing the Revisors to act in conjunction with the Judiciary Committee.

In which concurrence of the Senate is requested.

Rules suspended, and

Joint Resolution No. 14, A., taken up.

Senator Kimball moved to refer to Committee on Judiciary.

Which was not agreed to.

Resolution concurred in.

On motion of Senator Joiner,

Senate adjourned.

SENATE CHAMBER, }
February 4th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Senator Giles, President *pro tem.* in the Chair.

Prayer by the Rev. Mr. Egggleston.

Roll of Senators called.

Messrs. Chappell, Clark, Cook McClelland, Martin, Schulteis, Simpson and Smith, absent.

Journal of yesterday read and approved.

PETITIONS, MEMORIALS, &C., PRESENTED.

By Senator Boyd,

Petition of the Teachers Association of Walworth County.

Referred to Committee on Education, School and University Lands.

By Senator Martin,

Memorial, No. 14, S., Memorial to Congress, praying for the establishment of several mail routes therein named.

By Senator Sutherland,

The account of Tibbits and Gordon.

Referred to Committee on Claims.

RESOLUTIONS INTRODUCED.

By Senator Kingston,

No. 63, S.,

Resolved by the Senate the Assembly concurring, That the joint committee for investigation be instructed to enquire into the manner of the last purchase of stationery for the State, and report the same to the two houses; and, also, report such other information on that subject as may come to their knowledge, if they deem the same necessary.

By Senator Simpson,

No. 64, S.,

Resolved, That in framing the organic law for a State, the people have the right to settle their domestic institutions in their own way, subject only to the constitution of the United States.

Resolved, That we are opposed to the admission of Kansas into the Union as a State, under the "Lecompton Constitution," without first submitting all of the provisions of said constitution to the qualified voters of that Territory for their rejection or approval.

Resolved, That we approve of the action of those senators and representatives in Congress, in sustaining the submission of the whole of "Lecompton Constitution," to a fair vote of the bona fide resident electors of Kansas, before its admission into the Union as State under said constitution.

RESOLUTIONS TAKEN UP.

Resolution No. 60, S.

Resolved, That the Judiciary Committee be instructed, to inquire into, whether Sections 104 of Chapter 15 of the Revised Statutes, is in full force at this time, and if so, whether the Statute needs amending so as to provide for quieting tax

deeds, in case of minors, idiots, married women, and insane persons, and report at an early day.

Adopted.

No. 61, S.

Resolved, That the Committee on State Affairs are hereby instructed to report a bill providing a suitable and fixed salary for the Secretary of State, State Treasurer, and Attorney General, and prohibiting the charging or receiving fees by such officers.

Adopted.

No. 62, S.

Resolved, That the Judiciary Committee be instructed to report a bill for an act requiring the mortgagee to discharge any mortgage at the time of receiving pay on any such mortgage.

Adopted.

BILLS INTRODUCED.

By Mr. Sutherland.

No. 112, S.

A bill in relation to railroad bridges.

Read the 1st and 2d times, and

Referred to Committee on Railroads.

By Mr. Hanchett.

No. 113, S.

An act to amend chapter 52 of the Revised Statutes, relating to the incorporation of villages.

Read the 1st and 2d times, and

Referred to Committee on Judiciary.

COMMITTEE REPORTS.

By Senator Kimball,

The committee on incorporations report back bill No. 68, S. A bill for an act to amend chap. 4th of the session laws of 1852, entitled An act to incorporate the Dodge County Mutual Insurance Co., approved April 17, 1852, and recommend its passage.

M. L. KIMBALL,
Chairman.

By Mr. Tucker.

The Joint Committee on Enrolled Bills have examined and compared No. 124, A., an act to fix the compensation of the officers of the Legislature for the year 1858, and find the same correctly enrolled.

W. H. TUCKER,
Of Senate,
W. C. WEBB,
Of Assembly.

By Senator Pier.

The committee on claims to whom was referred No. 75 S., "to appropriate to Donaldson & Treadway, a certain sum of money," report the same back with an amendment, adding section 2, to the original bill.

They also report "a bill to appropriate to the Madison Gas Light & Coke Co., the sum of money therein named, and recommend its passage.

PIER, Chairman.

By Senator Davis.

The committee on State affairs to whom was referred that portion of the Governor's message relating to Slavery, report in part, by presenting the following *protest*, to be presented to Congress in the name of the sovereign State of Wisconsin, against the admission of Kansas into the Union under the Lecompton swindle, which forces upon the people of that Territory a Constitution which outrages their most sacred rights, trampling unrelentingly, as it does upon the dearest interests of American citizens.

M. M. DAVIS,
S. C. BEAN,

Majority of the Committee.

To the Honorable Senate and House of Representatives of the United States, in Congress assembled:

PROTEST OF THE STATE OF WISCONSIN.

That when the repose of the country is disturbed by the general feeling of a great common danger, and the institutions of this Republic seem to be tottering on their foundations, it

becomes the duty of the people to respectfully manifest their wills, wishes and apprehensions to their national representatives. This duty is the more imperative, as the question which agitates the public mind involves no less the peace of the whole country, than the interests of a single territory. The principles of the Kansas-Nebraska Bill did not correspond with the true interests of the people of this State. The most ingenious arguments and the most plausible representations brought forth in support of that measure could not make us believe that the fathers of this Republic had understood by popular sovereignty, the breaking down of all barriers to the extension of slavery, and a practical repudiation of the great principles of human liberty. In our opinion, *Popular Sovereignty* means the sovereignty and independence of every individual, subject only to the constitution and such laws made by his consent as protect the rights of life, liberty, and property of the whole people; and we always *have* believed that a faithful adherence to that principle would have saved the Republic the trouble and dangers which now threaten its existence. Nevertheless, the people submitted to a doctrine obnoxious to them, as soon as it was clothed with the authority of law. They took part in the contest that followed, carefully laying aside the use of all means which the nicest construction of the law would not accord to American citizens. We need not recount the events that have taken place. They are familiar to all. However atrocious the frequent violations of right and justice may have been, the people confined themselves to the *defense* of constitutional rights, by constitutional means.

But whenever those rights, which a perverse construction of popular sovereignty has left in our hands, are invaded by barefaced frauds and violence; when the last safeguard of Democratic institutions, the purity of the ballot box, is polluted with impunity, by the hand of daring criminals, when the violation of vested rights, threatens to assume the form of permanent usurpation, and when, at last, the Chief Executive

of this Republic undertakes to sanction such an attempt, first by encouragement and indulgence, then by open and emphatic commendation, then it is time that all good citizens should unite their voices in a solemn protest.

The people here quietly submitted to a law they considered wrong in principle. They have opposed with the weapons of free discussion, what they considered criminal in practice. They have confided in the good sense of their fellow citizens, north and south, firmly hoping that an erroneous policy would eventually be crushed by the verdict of the true Democratic spirit of the country.

That spirit is alive, and those who have undertaken to defy it, may well consider how dangerous it will be to put the forbearance of a people, used to the free exercise of their rights, to too severe a test.

To confine ourselves to peaceable means in opposing a manifest wrong, while the fundamental principles of the Republic remain unattacked, is a duty we owe to our democratic institutions. But we call upon you to consider, what other duties will force themselves upon the people, when they see, that those institutions are no longer safe in the hands of their constitutional guardians.

The people of Kansas, after having looked in vain for the general government have a strong claim on the patriotism of all good citizens. The appeal of men, whose constitutional rights have been trodden under foot, cannot fail to elicit from a majority of the American freemen, a sympathy, for which, mere words would be but an inadequate expression.

The supporters of the usurpation are raising again the cry of disunion; but that threat serves only to show how much those who make it mistake their position. The danger is not that the Union will be dissolved, for the free States would show themselves fully able to take care of its integrity; but the danger is that the Union might miss the very aims and ends for which it has been instituted.

That the Lecompton constitution is the offspring of a most unscrupulous fraud—that the people of Kansas had no share

in making it, and will never submit to it—no candid man can doubt. A government which would attempt to force it upon an unwilling people, would tread in the foot prints of the perjured despots of the old world, who consigned their names to the curses of their subjects, and to the execration of coming ages. •

And hereby we would respectfully represent that whatever means your wisdom may devise to expurge this opprobrium from our national history, you may rely upon the prompt and patriotic support of all American citizens who truly cherish the institutions to which we owe our liberty and prosperity, and without which this republic would never have attained its power and greatness. To this we solemnly pledge the people of Wisconsin.

Protest read first and second times.

By Senator Virgin,

The Committee on Contingent Expenses, to whom was referred,

No. 94, S., a bill to appropriate a certain sum of money therein named to defray the contingent expenses of the State for the present year, have had the same under consideration and have instructed me to report the same, with an amendment, and recommeand its passage as amended.

N. H. VIRGIN, Chairman.

From Revisors of the Statutes.

To the Honorable, the Legislature of the State of Wisconsin:

The undersigned, having been appointed Revisors by the Hon. Coles Bashford, late governor of this State, by virtue of the authority conferred upon him by Chap. 126 of the general laws of 1856, entitled "An act to provide for the revision of the general laws of the State of Wisconsin," submit the following

REPORT:

The act under which we were appointed makes it the duty of the Revisors, "to collect, compile and digest the general laws of this State, for the purpose of preparing a new edition

of such laws for publication, and report such compilation as soon as may be to the legislature, and accompany their report with such proposed amendment, as they may think proper to suggest."

In performing the duties required of us by the provisions of said act, we have prepared and herewith submit a complete compilation of all the statute laws of a general nature now in force in this State, excepting such as relate to the organization of the several counties for county and judicial purposes, and those relating to the disposition of the lands granted to this State for the improvement of the Fox and Wisconsin rivers or for rail road purposes. In making such compilation, we have in many instances deemed it necessary to alter the language of the law as it now stands in the printed statutes, in order to make it conform to the changes effected by the various amendments, repeals, and re-enactments of portions thereof, which have been made from time to time by the legislature; and in order to make the statutes conform to those changes of a more general nature, which have been effected by the change of the practice and proceeding in civil actions, and the abolition of the probate court, a great number of verbal alterations have necessarily been made in nearly all parts of the same. The great number of changes thus made in the words and language of the laws, will involve the necessity of a re-enactment of the whole body of the statute law of the State, and a repeal of all the existing laws so re-enacted. We have therefore prepared the compilation with a view to such re-enactment, and are confident that such a course will remove many of the difficulties which are now met with, arising out of numerous and frequently inconsistent enactments upon the same subject, and at the same time afford much greater facility for ascertaining what the law upon any particular subject is, than would be afforded by a mere collection of the different statutes upon the same subject, and published in the language in which they were enacted.

The undersigned also herewith submit several amendments which they have prepared, some of which change the present statutes ; others, are intended to explain and perfect the laws already in existence, and others, are intended to provide for cases not now provided for ; none, however, of the amendments or new enactments submitted herewith, are intended to make any radical change in the system of laws contained in the revised statutes, and the subsequent enactments of our different legislatures.

We have also prepared and herewith submit a repealing act, to accompany a new enactment of the laws, in which we have carefully collected and provided for the repeal of all laws contained in the compilation, and such as conflict therewith, including therein such provisions as will secure all rights and remedies secured by the laws repealed.

In preparing our work for the action of the legislature, we found it necessary in order to expedite the same, to employ a clerk, for the purpose of copying, transcribing and comparing, we have employed for the purpose, Mr. James M. Flower, who has been actively engaged in that work from the 4th. day of August last ; his untiring industry, the great amount of labor performed and the intelligent manner of its performance, entitles him to a liberal compensation, for his labor, from the State.

In preparing the various amendments to the statutes, herewith submitted, we have endeavored to remedy many of the defects in our present system, without venturing upon novel experiments in legislation. That many imperfections will still be found in the laws, and that many of the suggestions herewith submitted as tending to remedy defects, will be found upon more mature deliberation to be inadequate remedies, we do not doubt. Your combined wisdom and experience will readily detect what has been omitted, and suggest whatever will be necessary to perfect a complete system of laws for our State.

The compilation and the proposed amendments are submitted with our report to the Assembly. All of which is respectfully submitted.

DAVID TAYLOR.

S. J. TODD.

F. S. LOVELL.

Feb. 3d. 1858.

BILLS PASSED.

No. 46 S.,

A bill to appropriate to Edwin Palmer the sum of money therein named.

Read third time.

Three fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Title agreed to.

No. 45 S.,

A bill to appropriate to G. W. Mygatt the sum of money therein named.

Three fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Title agreed to.

On motion,

Senate went into

COMMITTEE OF THE WHOLE.

On the general file.

Mr. Clark in the chair.

After some time spent therein,

Committee rose and reported.

Recommending that

Nos. 26 S., 12 S., 67 S., 83 S., 105 A., and 85 S.,

Be passed without amendment.

That No. 18 A. and No. 48 S., be referred back to committee on incorporations.

That No. 57 S.

Be referred to committee on banks and banking.

That Joint Resolution, No. 16 S., and,

Memorial No. 11 S., be passed, with amendments.

No. 57 S.

A bill for an act to incorporate the Savings and Trust Co., of La Crosse.

Referred to committee on banks and banking.

No. 48 S.

A bill for an act to incorporate the city of Superior.

And,

No. 18 A.

A bill for an act to incorporate the Farmers Mutual Insurance Company of Calumet county.

Referred to committee on incorporations.

No. 105 A.

A bill for an act concerning crimes.

On motion of Senator Cook, made the special order for 4 o'clock Monday next.

No. 83 S.

A bill to amend an act entitled "an act to authorize the board of supervisors of Milwaukee county to issue bonds therein named, approved March 21st, 1857.

No. 67 S.

A bill to legalize the acts of the Board of Supervisors of the town of Brooklyn, in the county of Green.

No. 12 S.

An act to provide for the removal of the county seat of Juneau county.

Memorial No. 11 S.

A memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac.

And,

Joint Resolution No. 16, S.

Resolved by the Senate, the Assembly concurring, That Joint Resolution No. 3, approved March 29th, 1856, be, and the same is hereby repealed.

Were severally ordered engrossed and to a third reading.

BILLS PASSED.

No. 26 S.

A bill to divide the county of Dunn, and create the county of Pepin.

On motion of Mr. Bean.

Rules suspended.

Bill read the third time.

Passed.

Title agreed to.

No. 85 S.

A bill to amend an act entitled "an act to incorporate the City of Berlin."

Rules suspended.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Title agreed to.

Mr. Virgin moved to suspend rules and take up all memorials to Congress relating to mail routes and the increase of mail service.

Agreed to.

Memorial No. 52, A.

A memorial to the Post Master General for an increase of mail service on mail route number 13,763.

No. 44 A.

A memorial to Congress for the establishment of a mail route from Ridgeway to Arena, in Iowa county.

And,

No. 13, S. A memorial to Congress for the establishment of a mail route from Shullsburg in LaFayette county to Apple River station, in the county of Jo Daviss, in the State of Illinois.

Were severally ordered to a third reading.

Read the third time.

Passed, and titles agreed to.

Mr. Pier presented, on leave,

The account of the Trustees of the Baptist society, of Madison.

Referred to the committee on claims.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 176, A. A bill for an act to change the time of holding the Annual Meeting of the Stockholders of the Milwaukee & Mississippi Railroad Company.

In which the concurrence of the Senate is requested.

On motion of Senator Chase,

Rules suspended, and

No. 176, A. taken up.

Read 1st and 2d times,

Mr. Greulich moved to refer to committee of three.

Not agreed to.

Mr. Bennett moved to postpone further consideration of the bill until four o'clock to-morrow afternoon, and that it be made the special order for that hour.

Ayes—Messrs. Bennett, Boyd, Clark, Cook, Giles, Greulich, Kingston, Maxon, Mears, Proudfit, Sutherland, Walsh—12.

Noes—Messrs. Bean, Davis, Hanchett, Joiner, Pier, Simpson, Tucker, Virgin, Warren, Worthington—10.

The motion prevailed.

Message from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in,

No. 21 S.

An act to amend an act entitled An act to organize the county of Juneau, and to locate the county seat thereof, approved Oct. 13th, 1826.

And has passed,

No. 67 A.

A bill for an act to authorize Dane county to extend loan.

No. 72 A.

A bill for an act to amend section 64 of chap. 10 of the Revised Statutes.

No. 79 A.

A bill for an act extending the time for presenting and proving claims against the estate of Wm. D. Bruen, deceased.

No. 89 A.

A bill for an act to incorporate the Badger Iron Works Co.

No. 119 A.

A bill for an act to appropriate to Clason & Huntsman the sum of money therein named, to wit, \$21,60.

And,

No. 120 A.

A bill for an act to appropriate to Timothy D. Morris, the sum of money therein named, to wit, \$360,00.

In which the concurrence of the Senate is requested.

I am also directed to present for your signature,

No. 124 A.,

A bill to fix the compensation of the Officers of the Legislature for the year 1858.

Which has been signed by the Speaker.

The Assembly has passed

No. 74 A.,

A bill for an act to amend an act entitled "an act to incorporate the Burlington Union School District."

On motion of Senator Chase,

Rules suspended,
And No. 120, A.,
Taken up,
Read the first and second times,
Rules suspended,
Ordered to a third reading.
Read a third time.

The question being upon the passage of the bill,
Three-fifths of all the members present.

And the ayes and noes being required,
Were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook,
Davis, Giles, Greulich, Hanchett, Joiner, Kingston, Maxon,
Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin,
Warren, Walsh and Worthington—23.

Passed.

Title agreed to.

On motion of Senator Clark,

Senate adjourned.

SENATE CHAMBER, }
Feb. 5th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Haider.

Roll of Senators called.

Messrs. Chappell, Chase, Cook, McClellan, Martin, Proud-
fit, Shulties, and Virgin, absent.

Journal of yesterday read, and approved.

PETITIONS, ETC., PRESENTED.

By Senator Maxon,

Memorial of the county board of Supervisors of Washing-
ton county in relation to licence money of that county.

Referred to select committee of three, consisting of Senators Maxon, Greulich, and Kingston.

By Senator Davis,

The petition of John Lines and thirteen other, stockholders of the La Crosse & Milwaukee Railroad Company, for investigation.

Referred to joint committee of investigation.

RESOLUTIONS INTRODUCED.

By Senator Sutherland.

No. 65 S.

Resolved, That the committee on Banks and Banking, be instructed to propose such amendment or amendments to the Banking Law of this State, as shall provide a central place of redemption for all the currency issued under the same.

By Senator Clark.

Joint Resolution No. 22 S.

Resolved by the Senate the Assembly concurring, That the joint standing committee of investigation, be instructed to institute a rigid enquiry into the manner in which the contingent fund of \$10,000 which was appropriated by the last legislature has been expended, and, also, to enquire into the manner in which the stationery of the State was purchased, and to report all the facts in those matters that may come to their knowledge.

By Senator Kingston.

Joint Resolution No. 21 S.

Resolved by the Senate the Assembly concurring, That the joint committee of investigation be instructed to enquire whether deeds for "corner lots," in Kilbourn city have been forwarded to any members of the present legislature, and if so, to whom, by whom and for what purpose said deeds were executed and forwarded to said members.

By Senator Worthington.

No. 66 S.

Resolved, That the Sergeant-at-Arms is hereby instructed to deliver to the reporters in the Senate such stationery as he may deem necessary.

Rules suspended.

Resolution adopted.

RESOLUTIONS TAKEN UP.

No. 63 S.

Resolved by the Senate the Assembly concurring, That the joint committee for investigation be instructed to enquire into the manner of the last purchase of stationery for the State, and report the same to the two houses ; and, also, report such other information on that subject as may come to their knowledge, if they deem the same necessary.

Postponed indefinitely.

No. 64, S.

Resolved, That in framing the organic law for a State, the people have the right to settle their domestic institutions in their own way, subject only to the constitution of the United States.

Resolved, That we are opposed to the admission of Kansas into the Union as a State, under the "Lecompton Constitution," without first submitting all of the provisions of said constitution to the qualified voters of that Territory for their rejection or approval.

Resolved, That we approve of the action of those senators and representatives in Congress, in sustaining the submission of the whole of "Lecompton Constitution," to a fair vote of the bona fide resident electors of Kansas, before its admission into the Union as State under said constitution.

Senator Wheeler offered the following amendment.

Amend by striking out first resolution and inserting in lieu thereof the following :

Resolved, That it is the right and duty of Congress to prohibit slavery in all the territories of the United States.

Senator Davis offered the following as a substitute :

Resolved by the Senate and Assembly of the State of Wisconsin, That our senators in Congress be, and they are hereby instructed, and our representatives requested, to oppose the passage of any act for the government of any territory now

belonging to the United States, or which may hereafter be acquired, unless it shall contain a provision forever prohibiting the introduction of slavery or involuntary servitude into said territories, except as a punishment for crimes.

Also, to oppose the admission of any more slave States into the Federal Union.

Also, to exert their influence to procure the repeal of all laws sustaining slavery and the slave trade in the District of Columbia, or in any other place under the control of the National Government, and to secure the passage of laws prohibiting slavery and the slave trade in all places under the exclusive jurisdiction of the Federal Government.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Davis,

No. 115 S.

An act to appropriate to John C. Bunner the sum of three hundred dollars.

Referred to committee on claims.

By Senator Greulich.

No. 116 S.

A bill to amend an act entitled "an act to incorporate the Fox River Valley Railroad Company, approved March, 29th, 1853.

To committee on Railroads.

Also,

No. 117 S.

A bill for an act to incorporate the St. Aloysius Academy in the city of Milwaukee.

To committee on education, school, and university lands.

By Senator Davis.

No. 118 S.

An act to prevent obstructions in Hemlock river.

To roads, bridges, and ferries.

By Sen. Bean, from com. on town and county organization.

No. 119 S.

A bill for an act to authorize the county board of Supervisors to submit to a vote of the people the question of a removal of the county seat of their respective counties.

To committee on judiciary.

REPORTS SUBMITTED.

By Senator Tucker,

The joint committee on enrolled bills, report that they have examined and compared the following bills :

No. 25 S.

An act to appropriate to H. C. Bull a certain sum of money therein named.

No. 19 S.

An act to change the time for holding the terms of the circuit court in the county of Portage.

No. 31 S.

An act to provide for a special assessment and collection of taxes in the town of Caledonia and county of Columbia.

No. 33 S.

An act to authorize Margaret Muir to convey certain land to the Lisbon central cemetery association.

No. 15 S.

An act to repeal an act relating to assessment of taxes in the county of Wood, approved March 5th, 1857.

No. 20 S.

An act to repeal chapter 205 of the private and local laws of 1857, being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and repeal an act therein named.

No. 32 S.

An act to amend an act, entitled An act to establish the name and heirship of an infant, whose name is unknown, approved February 24th, 1857.

No. 17 S.

An act to amend chapter 373 of the private and local laws of 1856, entitled "an act to incorporate the North-Western insurance company of Racine."

Memorial No. 9 S.

Memorial to congress for the establishment of a mail route from Whitewater, in Walworth county, to Columbus in Columbia county.

And find the same correctly enrolled.

W. H. TUCKER, Senate.

W. C. WEBB, Assembly.

The joint committee on enrolled bills, report that they have presented to the Governor, February 4th, 1858, the following bills:

No. 124 A.

An act to fix the compensation of the officers of the legislature for the year 1858.

Also,

No. 89 S. An act to provide for selecting and summoning a grand and petit jury in the county of Jefferson.

W. H. TUCKER,

Of Senate.

W. C. WEBB,

Of Assembly.

By Senator Bennett,

The standing committee on finance report back Senate bill No. 99, entitled "a bill to limit the rate of interest and repeal chap. 55 of the general laws of 1856," with amendments, and when so amended, recommend its passage.

A. J. BENNETT,

Chairman.

By Senator Bean,

The committee on town and county organization, in accordance with the instruction of the Senate, report a bill for an act to authorize the county Board of Supervisors to submit to a vote of the people the question of a removal of the county seat of their respective counties.

S. C. BEAN,

Chairman.

February 8th.

By Mr. Clark,

The committee on incorporations report back No. 18 A., a bill to incorporate the Farmer's Mutual Insurance Company of Calumet.

And recommend its passage.

Also,

No. 76 S.

An act to incorporate the Oconto Lumbering Company, and recommend its passage.

M. L. KIMBALL,
Chairman.

Message from the Sergeant-at-arms

OFFICE SERGEANT-AT-ARMS. }
Senate Chamber, Madison, Feb. 5, 1858. }

HON. E. D. CAMPBELL—

SIR:—In obedience to the resolution of the Senate, passed on the 28th January, I have lessened the force in this Department four men to wit: Mr. Albert Vedder, Door-keeper, Mr. Rouse, Assistant Fireman, Mr. Smart, Post Office Messenger, Mr. McLinden, Messenger.

Respectfully submitted,
N. L. STOUT,
Sergeant-at-arms.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have concurred in

No. 21 S.,

An act to amend an act entitled "an act to organize the county of Juneau, and to locate the county seat thereof," approved Oct. 13th, 1856.

And has passed,

No. 67 A.,

A bill for an act to authorize Dane county to extend loan.

No. 72 A.,

A bill for an act to amend section 64 of chap. 10 of the Revised Statutes.

No. 79 A.,

A bill for an act extending the time for presenting and proving claims against the estate of Wm. D. Bruen, deceased.

No. 89 A.,

A bill for an act to incorporate the Badger Iron Works Co.

No. 119 A.,

A bill for an act to appropriate to Clason & Huntsman the sum of money therein named, to wit : \$21.60.

And,

No. 120 A.,

A bill for an act to appropriate to Timothy D. Morris, the sum of money therein named, to wit : \$360 00.

In which the concurrence of the Senate is requested.

I am also directed to present for your signature,

No. 124 A.,

A bill to fix the compensation of the Officers of the Legislature for the year 1858.

Which has been signed by the Speaker.

The Assembly has passed

No. 74 A.,

A bill for an act to amend an act entitled "an act to incorporate the Burlington Union School District"

No. 74 A.,

Was then considered.

Read first and second times.

Referred to Committee on Education, School, and University Lands.

No. 119 A.,

Read 1st and 2d times.

Referred to Committee on Claims.

No. 89 A.,

Read 1st and 2d times, and

Referred to Committee on Incorporations.

No. 79 A.

Read first and second times, and

Referred to committee on judiciary.

No. 72 A.,

Read 1st and 2d times, and

MR. PRESIDENT—

I am directed to present for your signature, the following bills:

No. 25, S.

An act to appropriate to H. C. Bull a certain sum of money named therein.

No. 19, S.

An act to change the time for holding the terms of the Circuit Court in the county of Portage.

No. 31, S.

An act to provide for a special assessment and collection of taxes in the town of Caledonia and county of Columbia.

No. 33, S.

An act to authorize Margaret Muir to convey certain land to the Lisbon Central Cemetary Association.

No. 15, S.

An act to repeal an act relating to assessment of taxes in the county of Wood, approved March 5th, 1857.

No. 20, S.

An act to repeal chapter 205 of the private and local laws of 1857, being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and repeal an act therein named.

No. 32, S.

An act to amend an act entitled an act to establish the name and heirship of an infant whose name is unknown, approved February 24th, 1857.

No. 17, S.

An act to amend chapter 373, of the private and local laws of 1856, entitled 'an act to incorporate the North-Western Insurance Company of Racine.'

Mem. No. 9, S.

Memorial to Congress for the establishment of a mail route from Whitewater, in Walworth county, to Columbus, in Columbia county.

Which have been signed by the Speaker.

I am also directed to inform you that the Assembly have passed the following joint resolution.

No. 16, A.

Resolved by the Assembly, the Senate concurring, That joint resolution No. 3, approved March 29th, 1856, authorizing William Crombie to secure timber, &c., on State lands, be and the same is hereby rescinded, and that the said William Crombie be called upon to report to the Secretary of State, without delay, the amount of money received by him for timber and other property belonging to the State.

In which the concurrence of the Senate is requested.

No. 72, A.,

Read first and second times, and

Referred to Committee on Judiciary.

No. 67, A.,

Read first and second times, and

Referred to Committee on Finance.

Joint Resolution, No. 16, A.,

Read first and second times, and

Referred to general file.

BILLS PASSED.

No. 64, S., a bill for an act to change the name of Martha Rozilla Vantyne to Martha Rozilla Bierce, and to establish her heirship.

Senator Tucker moved to postpone indefinitely.

Not agreed to.

Bill read the third time.

Passed.

Title agreed to.

No. 83, S., a bill to amend an act entitled "an act to authorize the Board of Supervisors of Milwaukee County to issue bonds therein named," approved March 21st, 1854.

Read the third time,

Passed.

Title agreed to.

Memorial No. 11 S.

Read the third time.

Passed.

Title agreed to.

No. 67 S.

A bill for an act to legalize the acts of the Board of Supervisors of the town of Brooklyn, in the county of Green.

Read the third time.

Passed.

Title agreed to.

No. 12 S.

An act to provide for the removal of the county seat of Juneau county.

Read the third time.

Passed.

Title agreed to.

Joint Resolution No. 16 S.

Postponed indefinitely.

On motion of Senator Kingston.

Rules suspended, and

No. 14 A.

A bill for an act to authorize the collection of a delinquent school tax in the town of Dellano in the county of Sauk.

Was taken up,

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, Martin, Maxon, Mears, Pier Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington—22.

Title agreed to.

Senate went into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Sutherland in the chair.

After some time spent therein,
Committee rose and reported back

No. 16 S.,

With amendments,

Senator Clark, on leave, introduced

No. 120 S.,

A bill for an act to incorporate the Manitowoc Seminary.

Read 1st and 2d times,

Referred to Committee on Incorporations.

Senator Proudfit, on leave, introduced

No. 121 S.,

A bill to appropriate to Robert J. Smith the sum of money therein named.

Read the 1st and 2d times, and

Referred to Committee on Claims.

On motion of Senator Bean,

Senate took a recess till 4 o'clock P. M.

FOUR O'CLOCK P. M.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Senate resumed the consideration of

No. 176 A.

A bill for an "act to change the time of holding the annual meeting of the stockholders of the Milwaukee & Mississippi Railroad,

Special order.

Senator Giles moved that the further consideration of the bill be indefinitely postponed.

The ayes and noes called for and ordered, were as follows:

Ayes—Messrs. Boyd, Clark Cook, Giles, Greulich, Kimball, Martin, Maxon, Mears, Proudfit, Tucker, Walsh, Wheeler—13.

Noes—Messrs. Bean, Bennett, Davis, Hanchett, Joiner, Kingston, Pier, Simpson, Smith, Sutherland, Warren, Worthington—12.

The motion prevailed.

Senator Bean moved to adjourn.

The ayes and noes were called and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Hanchett, Joiner, Kimball, Kingston, Martin, Pier, Proudfit, Smith, Sutherland Warren, Wheeler—14.

Noes—Messrs. Clark, Cook, Davis, Giles, Greulich, Maxon, Mears, Simpson, Tucker, Walsh, Worthington—11.

Senate adjourned.

SENATE CHAMBER,
February 6th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Roll of Senators called.

Messrs. Chappell, Chase, Cook, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Shulteis, Virgin and Worthington, absent.

Journal of yesterday read, corrected and adopted.

PETITIONS, ETC., PRESENTED.

By Senator Bennett.

The petition of E. G. Bennett and others, officers and citizens of the town of Beloit, for an act to legalize the acts of the Assessor for said town for the year 1857.

Referred to Committee on Judiciary.

By Senator Smith.

Petition of Thomas Williams, John W. Jones, and others, stockholders of the La Crosse & Milwaukee Railroad Company, for an investigation into the affairs of said Company.

Referred to Joint Select Committee of Investigation.

By Senator Boyd.

Petition of citizens of Delavan to vacate part of a street in said village.

Referred to Committee on Incorporations.

RESOLUTIONS INTRODUCED.

By Senator Tucker,

Joint Resolution

No. 23, S.

Resolved by the Senate, the Assembly concurring, That William Crombie be instructed and required to report to the Legislature, without delay, the number of suits commenced by him in the name of the State of Wisconsin, while acting under the joint resolution of 1856, against trespassers upon Swamp and overflowed lands, the counties and courts in which the same were brought, the names of persons against whom brought, situation of said causes, what number have been disposed of, how much realized from them what cases are now pending, and what can probably be realized from the further prosecution of the same.

RESOLUTIONS TAKEN UP.

No. 65, S.

Resolved, That the Committee on Banks and Banking be instructed to propose such amendment or amendments to the Banking Law of this State, as shall provide a central place of redemption for all the currency issued under the same.

Laid upon the table.

Joint Resolution,

No. 21 S.

Resolved by the Senate, the Assembly concurring, That the joint committee of investigation be instructed to inquire whether deeds for "corner lots" in Kilbourne City have been forwarded to any members of the present Legislature, and if so to whom, by whom, and for what purpose said deeds were executed and forwarded to said members.

Senator Sutherland moved to amend by inserting after the words "corner lots," the words, "or any other lots."

Which was agreed to.

Resolution as amended,

Adopted.

BILLS INTRODUCED.

Read 1st and 2d times and referred.

By Senator Davis,

No. 122, S.

An act to amend an act entitled "an act to incorporate the Yellow River Improvement Company, approved March 2d, 1857.

To committee on incorporations.

Also,

No. 123 S.

An act in relation to insurance.

To committee on State affairs.

By Senator Smith,

No. 124 S.

A bill to change the name of Robert Hiram Ward, to that of Arthur Woodman Whitney and to establish an heirship.

To committee on judiciary.

By Senator Kingston,

No. 125 S.

A bill to change the name and establish the heirship of R. D. Byron to R. D. Lesler Moulton.

To committee on judiciary.

By Senator Boyd,

No. 126 S.

A bill to vacate part of a street in the village of Delevan.

To committee on incorporations.

By Senator Wheeler,

No. 127 S.

A bill for an act to legalize the official acts of Lewis Hodges, a justice of the peace of the town of Rushford, in the county of Winnebago.

Referred to committee on judiciary.

COMMITTEE REPORTS.

By Senator Warren,

Committee on engrossed bills report correctly engrossed,
Bill No. 83 S.

Also,

Memorial No. 11 S.

J. H. WARREN, Ch'n.

By Senator Sutherland,

The committee on education, school and university lands,

REPORT:

No. 74 A.

A bill to amend an act entitled an Act to incorporate the Burlington Union school district—with amendment, and when so amended recommend its passage.

J. SUTHERLAND.

Chairman.

By Senator Smith.

The joint committee on enrolled bills, report that they have presented to the Governor the following bills for his approval, Feb. 5, 1858:

No. 16 S.

An act to repeal an act relating to assessments of taxes in the county of Wood, approved March 5 1857.

No. 17 S.

An act to amend chapter 373 of the private and local laws of 1856, entitled an Act to incorporate the North-Western insurance company of Racine.

No. 19 S.

An act to change the time of holding the terms of the circuit court in the county of Portage.

No. 20 S.

An act to repeal chapter 205 of the private and local laws of 1857, being an act to provide for the assessment of taxes in the counties of Portage and Marathon and repeal an act therein named.

No. 25 S.

An act to appropriate to H. C. Bull a certain sum of money.

No. 31 S.

An act to provide for a special assessment and collection of taxes in the town of Caledonia and county of Columbia.

No. 32 S.

An act to amend an act entitled an Act to establish the name and heirship of an infant whose name is unknown, approved Feb. 24, 1857.

No. 33 S.

An Act to authorize Margaret Muir to convey certain land to the Lisbon Central Cemetery Association.

Also,

The following memorial :

No. 9 S.

Memorial to Congress for the establishment of a mail route from Whitewater in Walworth county to Columbia in Columbia county.

W. E. SMITH,

Ch'n. Sen. Com.

W. C. WEBB,

Ch'n. Assembly Com.

No. 16 S.

A bill to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

Amendments reported by committee of the whole concurred in.

Ordered engrossed and to a third reading.

Leave of absence was granted to

Senator Cook.

Senator Davis moved to adjourn until four o'clock Monday, P. M.

Senator Bean moved to amend by prefixing the words "that when we do adjourn"

Senator Hanchett moved the previous motion.

Not seconded.

Senator Davis accepted the amendment offered by Senator Bean.

The motion as amended prevailed.

Senator Smith moved that the Senate now resolve itself into committee of the whole on the general file.

Senator Walsh moved to adjourn.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Clark, Davis, Hanchett, Mears, Proudfit, Walsh—6.

Noes—Messrs. Bean, Bennett, Boyd, Giles, Joiner, Kimball, Kingston, Martin, Pier, Simpson, Smith, Sutherland, Warren, Wheeler—14.

Pending the calling of the ayes and noes,

Senator Giles asked leave to make a personal explanation.

Which was granted.

The Senate refused to adjourn.

The question being upon the motion of Senator Smith.

The motion prevailed.

The Senate went into

COMMITTEE OF THE WHOLE

On general file.

Senator Kimball in the chair.

After some time spent therein,

Committee rose and reported.

With recommendations that

No. 95 S., 79 S., and 76 S.

Do pass.

That No. 11 A., and 82 S.,

Be referred to Committee on State prison.

And No. 87, S.

Be referred to Committee on Judiciary.

Senator Giles, President pro tem., in Chair.

No. 11 A.

A bill for an act to appropriate to Haney and DeBow the sum therein named.

Referred to Committee on States Prison.

No. 87 S.

A bill for an act to change the name of Samuel Clark Reed, to that of Samuel Clark Stevens, and to establish his heirship.

Referred to Committee on Judiciary.

No. 82 S.

A bill to appropriate to H. Friend & Brother a sum of money therein named.

Referred to Committee on States Prison.

No. 76 S.

A bill to incorporate the Oconto Lumbering Company.

And No. 79 S.

A bill to legalize the official acts of Dominick Hunt, a Justice of the Peace in the county of Brown.

Were severally ordered engrossed for a third reading.

The following communication was then read, from the Secretary of the Milwaukee and Mississippi Rail Road Company:

TO THE PRESIDENT OF THE SENATE OF WISCONSIN:

The undersigned directors and stockholders of the Milwaukee and Mississippi Rail Road Company beg leave to represent, that in the opinion of your memorialists, the bill now pending in your honorable body for the postponement of the annual election of directors is prejudicial to the best interests of the Company, and that it is not expedient to postpone the election to be held on Tuesday next. In pursuance of the charter and the law, as it now stands, notices have been given of the election, the stock books closed and persons representing a large amount of eastern stockholders are in attendance, waiting for the election to transpire. In short it is too late and too near the day of election to change the day of election.

MILWAUKEE, Feb. 5th, 1858.

H. CROCKER,

A. ELDRED,

E. D. HOLTON,

(Signed),

JOSEPH GOODRICH,
E. D. CLINTON,
JOHN CATLIN,
E. R. WOOLCOTT,
A. FINCH, JR.,
E. L. DIMOCK,
H. L. DOUSMAN,
GEO. H. WALKER.

Vice-Presidents.

I hereby certify that the foregoing is a true copy of a remonstrance, adopted by the Board of Directors of the Milwaukee and Mississippi Rail Road Company, at a meeting thereof, held this day, and that the same was signed by all the members present.

In witness whereof, I, William Taintor, Secretary of said Company, have hereunto set my hand officially and caused to be affixed the Corporate Seal of the Company, this fifth day of February, A. D., 1858.

[L. s.]

WILLIAM TAINTOR,

Secretary.

The following report was read from the Attorney General :

Attorney General's Office, }
Madison, Feb. 6, 1858. }

To the President of the Senate:

The following is my answer to a resolution of the Senate, requesting me to communicate—"What suit or suits are now pending in which the State is a party, and the condition of the same."

The records of the Attorney General's office, and those of the Supreme Court, show the pendency of the following suits:

Andrew Proudfit *ag't* the State of Wisconsin.—Which suit, I am informed, is settled, or otherwise adjudicated.

Elias A. Calkins and James K. Proudfit *ag't* the State of Wisconsin.—This suit is brought for the recovery of \$11,485,-95, which they claim is due them upon their printing contract

with the State. The said claim has heretofore been disallowed by the Legislature—a portion by the Legislature of 1856, and the balance by the Legislature of 1857. The suit was commenced but a few days ago.

There is also a suit pending in Dane County Circuit Court against Edward H. Janssen, upon an indictment, arising from his defalcation as State Treasurer. There have been no steps taken in the same since the procurement of the indictment, except his arrest. He is now at liberty upon his own recognizance.

I believe the above are all the suits now pending—wherein the State is a party—and the situation of the same, concerning which, information was intended to be sought by the resolution of the Senate.

GABRIEL C. BOUCK,

Attorney General.

Senator Joiner asked leave to withdraw certain petitions praying for a postponement of the annual election of officers of Milwaukee & Mississippi Railroad Company.

Which was granted.

On motion of Senator Bean,

Senate adjourned until Monday next, at 4 o'clock P. M.

SENATE CHAMBER, }
Feb. 8th, 4 o'clock, P. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the chair.

Roll of Senators called.

Messrs. Chappell, Chase, Clark, Cook, Greulich, Joiner, McClellan, Maxon, Shulteis, Tucker, Virgin, Warren and Walsh absent.

Journal of Saturday read and approved.

Senate resumed the consideration of
No. 105 S.

A bill for an act concerning crimes.

SPECIAL ORDER.

On motion of Senator Giles,
Referred to committee on judiciary.

PETITIONS, &C., PRESENTED.

By Senator Martin,

Petition of citizens of Green Bay, praying the repeal of an
act authorizing the city to issue bonds.

Referred to committee on judiciary.

By Senator Pier,

Petition of many citizens of Waupun, praying against
amending the charter of said village.

Referred to committee on town and county organization.

By Senator Wheeler,

Petition of Winnebago County Bar, asking that Winnebago
county be attached to the tenth judicial circuit.

Referred to committee on judiciary.

By Senator Clark,

Petition of citizens of the village of Menasha, relative to
North Eastern Land Grant.

Referred to committee on rail roads.

By Senator Wheeler,

Petition of citizens of Neenah, concerning the same sub-
ject.

Referred to committee on rail roads.

ACCOUNTS.

By Senator Sutherland.

Account of Amasa Cobb against the State.

RESOLUTIONS.

Joint Resolution

No. 23 S.

*Resolved by the Senate the Assembly concurring, That William
Crombie be instructed and required to report to the Legisla-*

ture, without delay, the number of suits commenced by him in the name of the State of Wisconsin, while acting under the joint resolution of 1856, against trespassers upon swamp and overflowed lands, the counties and courts in which the same were brought, the names of persons against whom brought, situation of said causes, what number have been disposed of, how much realized from them, what cases are now pending, and what can probably be realized from the further prosecution of the same.

Adopted.

Joint Resolution

No. 16 A.

Resolved by the Senate the Assembly concurring, That joint resolution No. 3, approved March 29th, 1856, authorizing William Crombie to secure timber, etc., on state lands, be, and the same is hereby rescinded and that the said William Crombie be called upon to report to the Secretary of State without delay, the amount of money received by him for timber and other property belonging the State.

Concurred in by the Senate.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Wheeler,

No. 128 S.

A bill for an act to detach the county of Winnebago from the fourth judicial circuit, and attach the same to the tenth judicial circuit.

Referred to committee on judiciary.

By Senator Tucker,

No. 129 S.

A bill for an act authorizing the redemption of lands sold under the foreclosure of mortgages by order or decree of Court.

To committee on judiciary.

Also,

No. 130 S.

A bill for an act to legalize the assessment and assessment roll of the town of Franklin in Bad Ax county for the year 1857.

To committee on judiciary.

Also,

No. 131 S.

A bill for an act to authorize the commissioners of the school and university lands to loan the drainage fund.

To committee on judiciary.

By Senator Proudfit.

No. 132 S., 1857, 60

A bill to authorize the Secretary of State to audit certain accounts.

To Committee on Legislative Expenditures.

COMMITTEE REPORTS.

By Senator Kimball.

The Committee on Incorporations report bill No. 120 S., A bill for an act to incorporate the Manitowoc Seminary, and recommend its passage.

Also,

No. 59 S.,

A bill to incorporate the Madison Gymnastic Association.

M. L. KIMBALL,

Chairman.

By Senator Simpson,

The committee on Roads, Bridges and Ferries, to whom was referred bill No. 73, "a bill to legalize a certain State road," report the same back with an amendment.

Bill No. 118 S.

An act to prevent obstructions in Hemlock river, with an amendment.

Bill No. 110 S.

A bill for an act to amend an act entitled "an act to lay out a State road therein named." Approved March 31st. 1856, without amendment.

And,

Bill No. 107 S.

A bill for an act to provide for laying out a State road from Bellmont in La Fayette county to the Junction House in Grant county, without amendment.

And recommend the passage of said bills.

P. B. SIMPSON.

Chairman.

By Senator Simpson.

The Committee on Roads, Bridges and Ferries, to whom was referred Bill No. 80 S., a bill to amend sec. 5 of chapter 135 of the Private and Local Laws of 1856, entitled "an act to provide for the assessment of additional highway taxes in the county of Fond du Lac," have had the same under consideration, and report the same back without amendment, and recommend its passage.

P. B. SIMPSON,

Chairman.

By Senator Mears.

The Committee on Engrossed bills ask leave to report as correctly engrossed Bills Nos. 79 S., 95 S., and 16 S.

DANIEL MEARS

M. L. KIMBALL,

From Committee.

BILLS PASSED.

No. 95 S.

A bill to appropriate to J. H. Castle, Sheriff of Waukesha, the sum of \$40,00 for conveying convicts to States Prison.

Read the third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Hanchett, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Wheeler, Worthington—20.

Title agreed to.

No. 16 S.

A bill to cede the jurisdiction of the State of Wisconsin on certain lands to the United States.

Read the third time.

Passed.

Senator Smith moved a reconsideration of the vote by which said bill was passed.

The motion prevailed.

Senator Sutherland moved to amend the bill by striking out the word "on" wherever it occurs, and inserting the word "over" in place thereof.

Which was agreed to.

The question being upon the passage of the bill, and

The ayes and noes been called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennet, Boyd, Clark, Davis, Giles, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Wheeler, Worthington—18.

Noes—Messrs. Cook, Hanchett—2.

Passed.

Title agreed to.

No. 79 S.

A bill to legalize the official acts of Dominick Hunt, a Justice of the Peace in the county of Brown.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Hanchett, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Wheeler, Worthington—20.

Title agreed to.

No. 76 S.

A bill for an act to incorporate the Oconto Lumbering Company.

Referred to select committee of three consisting of Senators Kingston, Martin and Hanchett.

On motion,

Senate adjourned.

SENATE CHAMBER, }
February 9, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieutenant Governor in the chair.

Prayer by the Rev. Mr. Millour.

Roll of Senators called.

Messrs. Chappell, Clark, Cook, Giles, Greulich, Joiner, Virgin and Warren, absent.

Journal of yesterday read and adopted.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Wheeler.

Petition for amendment of the charter of the city of Oshkosh.

Referred to Committee on Incorporations.

Also,

Petition of citizens of Oshkosh, praying for the abolition of the school system of said city.

To Committee on Education, School and University Lands.

By Senator Simpson.

Memorial of J. H. Hitchcock, in relation to camp equipage and other articles furnished the State in 1855.

To Committee on claims.

By Senator Hanchett.

Petition of John H. Compton, to have certain moneys refunded to him.

To Committee on claims.

ACCOUNTS REFERRED.

Senator Pier presented,

Account of William E. Cramer.

To Committee on Claims.

RESOLUTIONS INTRODUCED.

By Senator Sutherland, from Committee on Education, &c.
Joint Resolution

No. 24, S.

Resolved by the Senate, the Assembly concurring, That the Governor of this State be and is hereby authorized to pursue such course and adopt such measures as in his judgment will secure to this State the "five per centum" due from the General Government on sales of Government lands lying within this State.

By Senator Sutherland,

No. 67, S.

Resolved, That the Committee on Education be and they are hereby instructed to prepare a bill which shall so modify our Common School Law, as to do away with our Town Superintendency system, and establish in its stead the county Superintendency system; and which shall provide that county Superintendents of Schools shall be appointed by county Boards of Supervisors; and also provide that United States' History, and *Anatomy and Physiology* shall be added to the branches now required to be taught in our Common Schools.

BILLS INTRODUCED.

Read first and second times and referred.

By Senator Wheeler.

No. 133, S.

A bill in relation to Common Schools in the city of Oshkosh.

To Committee on Education, School and University lands.

By Senator Martin.

No. 134, S.

A bill to incorporate the Ahnapee and New Franklin Plank Road Company.

To Committee on Incorporations.

Also,

No. 135, S.

A bill to incorporate the Kewaunee and New Franklin Plank Road Company.

To Committee on Incorporations.

COMMITTEE REPORTS.

By Senator Bennett,

The standing committee on Finance report back Senate bill, No. 47, "to amend chapter 15 of the revised statutes," without amendment, and recommend its favorable consideration.

A. I. BENNETT,

Chairman.

By Senator Sutherland,

The committee on Education, School and University Lands, to which was referred so much of the Governor's message as related to the five per centum of the net proceeds arising from the sale of Government lands lying within this State,

REPORT:

That there is claimed by this State, from the General Government, as set forth in the Message of His Excellency, the sum of about three hundred thousand dollars. Your committee, to more clearly show the reason assigned by the General Government for withholding this amount from the State of Wisconsin, will relate; that, according to an act of Congress, approved June 18th, 1838, there was granted to the Territory of Wisconsin, an amount of lands to construct a canal which should connect the water of Lake Michigan with Rock River, and that the said lands were granted, upon the condition that the Territory of Wisconsin should be held responsible to the United States, for the amount of all moneys received upon the sale of the whole or any part of said lands, if the said canal should not be constructed within three years and completed within ten years. The Territory of Wisconsin accepted the grant with its impositions and restrictions. A part of said lands were sold in pursuance of an act or acts of

the Territorial Legislature, the remainder were taken, by mutual agreement, as a part of the five hundred thousand acres of lands, to which the State was entitled, by act of Congress, on her admission into the union.

The company to which was entrusted, by the Territorial Legislature, the work of constructing the canal, failed to complete the same, according to the conditions of the grant, the Territory therefore forfeited its claim upon the lands, and became liable for the amount which had accrued on sales. This is the substance of the defence made by the General Government.

Your committee have been informed that Attorney Cushing has given his opinion to the effect; that all liabilities incurred by the Territory of Wisconsin, in relation to said lands, are justly chargeable against the State; and that the amount now charged against it, as principal and interest, exceeds the amount claimed by the State, of the General Government.

Your committee have, however, been informed that Attorney Crittenden made a different decision upon this question, and favorable to the claim of Wisconsin. If, however, the General Government had a claim upon the Territory of Wisconsin, for the amount of lands sold to aid in the construction of the said canal, your committee answer: That they find appended to the constitution of Wisconsin a series of resolutions, which were adopted by the Constitutional Convention, and which were sent with it to Congress for ratification; which resolutions your committee think as ratified by the act of Congress, admitting the State of Wisconsin into the Union, releases her from all obligations to the General Government, on account of the Rock River Canal Grant.

Your committee are therefore of the opinion that the five per centum of the proceeds of sales of Government lands lying in this State, is wrongfully withheld from the same, and herewith present for the action of the Legislature a Memorial and Resolution, hoping they may receive a favorable consid-

eration in both branches thereof, and may render the case of those into whose possession they shall be entrusted prove effectual in securing to the State, the large amount which your committee deem to be justly her due.

J. SUTHERLAND,

Chairman.

Memorial, No. 15, S.,

A memorial to Congress for amount due from the sales of public lands lying within the State.

Read first and second times, and

Referred to general file.

By Senator Maxon,

The committee on agriculture having had under consideration,

Bill, No. 101, S, an act to amend chapter 52, general laws of 1857, entitled "an act to authorize the collection of agricultural, mineral and manufacturing statistics," without amendment, and recommend the passage of the same.

JOINER,

Chairman.

By Senator Sutherland.

The committee on education, school and university lands to which was referred the petition of the Walworth county Teachers Association, have had the same under consideration, and not wising to report such amendments to the common school of this State, as are therein contemplated, without being so instructed by the Senate, report herewith for the purpose of testing the sense of the Senate upon that question, the following resolution.

J. SUTHERLAND,

Chairman.

By Senator Worthington.

The Committee on Banks and Banking to whom was referred No. 57 S., a bill from an act to incorporate the Savings and Trust Company at La Crosse, Wis., have considered the

same, and report it back with sundry proposed amendments, and when so amended, recommend its passage.

D. WORTHINGTON,

Chairman.

February 9th.

By Senator Mears.

The Committee on Engrossed Bills beg leave to report as correctly engrossed, bill No. 6, Senate, a bill to incorporate Kilbourn University.

D. MEARS,

M. L. KIMBALL.

From Committee.

Senate Chamber, Feb. 9, 1858.

By Senator Smith.

The Joint Committee on Enrolled Bills report, that they have examined and compared the following bills and find the same correctly enrolled.

No. 120 A.

An act to appropriate to Timothy D. Morris, Sheriff of Racine county, the sum of three hundred and sixty dollars.

No. 84 A.

An act legalizing a tax for the year 1857, in the town of Otsego, in Columbia county.

No. 7 A.

An act for the relief of joint school district No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

No. 12 A.

An act to authorize school district No. 3, of the town of Waterloo, in Jefferson county, to collect a tax.

No. 37 A.

An act to legalize the proceedings of a meeting of school district No. 6, in the town of Middleton, in the county of Dane.

No. 57 A,

An act to appropriate to Abiel E. Brooks the sum of seventy-two dollars and eighty-eight cents.

No. 21 S.

An act to amend an act entitled an act to organize the county of Junera, and to locate the county seat thereof, approved Oct. 13th, 1856.

Also the following memorials:

No. 28 A.

A memorial to Congress for the establishment of a mail route.

No. 44 A.

A memorial to Congress for the establishment of a mail route from Ridgeway to Arena, in Iowa county.

No. 52.

A memorial to the Post Master General for an increase of mail service, on mail route No. 13,763.

W. E. SMITH,
Ch'n Sen. Com.

W. C. WEBB,
Ch'n As. Com.

MESSAGES FROM THE GOVERNOR.

STATE OF WIS., EXECUTIVE DEPARTMENT,
MADISON, February 8, 1858.

TO THE SENATE—

The following entitled acts and memorial, originating in the Senate, have been approved by the Executive, and deposited in the office of the Secretary of State.

To amend an act entitled An act to incorporate the city of Madison.

To extend the time for the collection of taxes in the city and county of LaCrosse.

To appropriate to Wm. H. Brisbane the sum of fifty dollars.

To provide for selecting and summoning a Grand and Petit jury in the county of Jefferson.

To provide for a special assessment and collection of taxes, in the town of Caledonia, and county of Columbia.

To repeal an act relating to assessment of taxes in the county of Wood, approved March 5th, 1857.

To amend chapter 373 of the private and local laws of 1856, entitled "An act to incorporate the Northwestern Insurance Company of Racine."

To repeal chapter 205 of the private and local laws of 1857, being an act to provide for the assessment of taxes in the counties of Portage and Marathon, and repeal an act therein named.

To change the time of holding the terms of the circuit court in the county of Portage.

To appropriate to H. C. Bull a certain sum of money.

To authorize Margaret Muir to convey certain land to the Lisbon Central Cemetery Association.

To amend an act entitled "An act to establish the name and heirship of an infant whose name is unknown, approved February 24, 1857

Memorial to Congress for the establishment of a mail route from Whitewater, in Walworth county, to Columbus in Columbia county.

ALEX. W. RANDALL.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature,

No. 84 A,

An act legalizing a tax for the year 1857, in the town of Otsego, in Columbia county.

And,

No. 120 A,

An act to appropriate to Timothy D. Morris, Sheriff of Racine county, the sum of three hundred and sixty dollars.

Which have been signed by the Speaker.

And that the Assembly has concurred in Joint Resolution No. 20 S,

Relating to printing in foreign languages.

And that Messrs. Runals, Sharp and Rodolf, constitute the

Committee on the part of the Assembly therein provided for.

Senators Giles and Clark were appointed as such Committee on the part of the Senate.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present to you for your signiture,

Memorial No. 28 A.

A memorial to Congress for the establishment of a mail route.

Memorial No. 52 A.

A memorial to the Postmaster General for an increase of mail service on mail route No. 13,763.

No. 7 A.

A bill for an act for the relief of joint school district No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

No. 12 A.

A bill for an act to authorize school district number three of the town of Waterloo, in Jefferson county to collect a tax.

No. 37 A.

A bill for an act to legalize the proceedings of a meeting of school district No. 6, in the town of Middleton, in the county of Dane.

Memorial No. 44 A.

A memorial to Congress for the establishment of a mail route from Ridgway to Arena, in Iowa county.

No. 57 A.

An act to appropriate to Abiel E. Brooks the sum of seventy-two dollars and eighty-eight cents.

In which the concurrence of the Senate is requested. 2

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE

On general file.

Senator Chase in the Chair.

After some time spent therein,
Committee rose and reported, recommending that,
No. 53, S., and
No. 2, S.

Do pass without amendment.

That

No. 18, S., and

No. 86, S.

Do pass with amendments,

And that

No. 58, S.

Be indefinitely postponed.

BILLS ORDERED ENGROSSED FOR A THIRD READING.

No. 53 S,

A bill for an act to amend an act incorporating the City of
La Crosse.

No. 2 S,

A bill to change the time of holding the Circuit Court, for
Walworth county.

No. 18 S,

An act to provide for the publication and distribution of
the Laws of Wisconsin concerning the organization and gov-
ernment of towns.

Amendments reported by Committee of the Whole con-
curred in.

Ordered engrossed for a third reading.

No. 86 S,

A bill to regulate the fees of Attorneys in certain cases.

Amendments of committee concurred in.

Senator Hanchett moved that the whole matter be indefi-
nitely postponed.

The ayes and noes being called for and ordered were as fol-
lows :

Ayes—Messrs. Chase, Clark, Cook, Davis, Hanchett, Kim-
ball, Martin, Mears, Pier, Proudfit, Shulteis, Simpson, Smith,
Tucker, Wheeler—15.

Noes—Messrs. Bean, Bennett, Boyd, Kingston, Maxon, Sutherland, Walsh, Worthington—8.

The motion prevailed.

No. 58 S.

A bill for an act allowing certain judges of the Supreme and Circuit Courts therein named, mileage for traveling for the purpose of holding Courts.

Indefinitely postponed.

Message from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed No. 219 A.

An act to enable the city of Racine to levy a special tax to pay the interest on the city bonds.

And, *at 2 o'clock*.

No. 203 A.

A bill for an act to amend chapter 74, of the session laws of 1856, entitled: "an act for the encouragement and promotion of Agriculture."

In which the concurrence of the Senate is requested.

On motion of Senator Boyd,

Rules suspended, and

No. 203 A.

Taken up.

Read the first and second times, and

Referred to committee on agriculture.

Senator Martin moved that the Senate adjourn.

Senate refused to adjourn.

Senator Chase moved that the Senate go into committee of the whole on the bill for an act to amend chapter 74, of the session laws of 1856, entitled: "an act for the encouragement and promotion of Agriculture."

Which was not agreed to.

On motion of Senator Shulteis,

Senate adjourned.

SENATE CHAMBER, }
Feb. 10, 10 o'clock, A. M., }

Senate assembled.

Lieutenant Governor in the chair.

The Rev. Mr. Britton officiated as chaplain.

Roll of Senators called.

Senators Chappell, Clark, Cook, McClellan, and Virgin absent.

Journal of yesterday read and corrected.

PETITIONS, ETC., REFERRED.

Presented by

Senator Martin,

Petition of citizens of Brown County, praying annexation of two townships to said county.

To Committee on Judiciary.

By Senator Pier,

Account of Bradford & Brother.

To Committee on Claims.

By Senator Walsh,

Account of Alexander Lumsden.

To Committee on Claims.

RESOLUTIONS INTRODUCED.

By Senator Wheeler,

No. 68. S.

Resolved, That when the Senate adjourns it will adjourn until 7 o'clock, P. M., of this day, and that the special order appointed for 11 o'clock, A. M., of this day, be postponed until that time.

Rules suspended.

Resolution adopted.

No. 67 S,

Resolved, That the Committee on Education be and they are hereby instructed to prepare a bill which shall so modify our Common School Law, as to do away with our Town Superintendency system; and establish in its stead the county Superintendency system; and which shall provide that county Superin-

tendents of Schools shall be appointed by county Boards of Supervisors; and also provide that United States' History, and *Anatomy and Physiology* shall be added to the branches now required to be taught in our Common Schools.

Taken up.

Lost.

Joint Resolution

No. 24 S,

Resolved by the Senate, the Assembly concurring, That the Governor of this State be and is hereby authorized to pursue such course and adopt such measures as in his judgment will secure to this State the "five per centum" due from the General Government on sales of Government lands lying within this State.

Taken up.

On motion of Senator Sutherland,

Laid on the table.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Mears.

No. 136 S., a bill to incorporate the Osceola Literary Association.

To Committee on Incorporations.

By Senator Proudfit.

No. 137 S, a bill to appropriate to Mossin & Marr the sum of money therein named.

To Committee on Claims.

By Senator Bean.

No. 138 S., a bill for an act authorizing the borrowing of money on the faith and credit of the State to pay certain State bonds heretofore issued.

To committee on judiciary.

By Senator Smith,

No. 139 S.

A bill for an act to vacate certain streets and a portion of certain blocks in the village of Waupun.

To committee on judiciary.

By Senator Tucker,

No. 140 S.

A bill for an act to authorize the laying out and establishing a State road therein named.¹

To committee on roads, bridges and ferries.

Also,

No. 141 S.

A bill for an act to authorize the judge of the sixth judicial circuit, to appoint a place for holding the circuit court in the county of Buffalo.

Read first and second times.

On motion of Senator Tucker,

Rules suspended.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

COMMITTEE REPORTS

Submitted by Senator Maxon.

The committee on agriculture to whom was referred No. 203 A., a bill for an act to amend chapter 74 of the session laws of 1856, entitled "an act for the encouragement and promotion of agriculture," have had the same under consideration and instructed me to report the same to the Senate with an amendment, and when so amended recommend its passage.

D. W. MAXON, Chairman.

By Senator Chase.

The judiciary committee report back bills No. 100 S., A bill to legalize the proceedings of school district No. 1, in the town of Pepin, &c. No. 127 S., An act to legalize the official acts of Lewis Hedges, as justice of the peace, &c. No. 130 S., A bill to legalize the assessment roll of the town of Franklin, Bad Axe county, &c.

And recommend their passage.

C. S. CHASE, Chairman.

By Senator Bennett.

The standing committee on finance, report back Assembly bill No. 67, "To authorize Dane county to extend a loan. Without amendment. And recommend its passage.

A. J. BENNETT,
Chairman.

By Senator Warren.

Committee on engrossed bills report correctly engrossed, bill No. 2 S., A bill to change the time for holding the terms of the circuit court for Walworth county.

No. 53 S. A bill for an act to amend an act incorporaing the city of LaCrosse, approved March 4th, 1856.

No. 18 S., An act to provide for the publication and distribution of the laws of Wisconsin concerning the organization and government of towns.

J. H. WARREN,
Chairman.

By Senator Worthington.

The committee on banks and banking to whom was referred No. 27 S., "A bill to incorporate the Waukesha savings Bank," report the same back with amendments and recommend its passage when so amended.

[D. WORTHINGTON,
Chairman.

Feb. 10, 1858.

By Senator Sutherland.

The committee on education, school and university lands, to which was referred the communication of His Excellency, the Governor, containing the appointments of the "Board of Regents of Normal Schools," have had the same under consideration, and have instructed me to report the same back to the Senate without any recommendation.

J. SUTHERLAND,
Chairman.

On motion of Senator Sutherland,

The subject of said report was made the special order for 3 o'clock, Thursday P. M.

By Senator Kingston,

The Select Committee to whom was referred bill No. 76, S. report the same back with amendment, and without recommendation.

KINGSTON, Chairman.

By Senator Smith,

The Joint Committee on Enrolled Bills, report that they have presented to the Governor for his approval, on the 9th of February, the following Bills and Memorials:

No. 120, A. An act to appropriate to Timothy D. Morris, Sheriff Racine county, the sum of three hundred and sixty dollars.

No. 84, A. An act legalizing a tax for the year 1857, in the town of Otsego, Columbia county.

No. 7, A. An act for the relief of joint school district No. 2, in the towns of Portland and York, in the counties of Dodge and Dane.

No. 12, A. An act to authorize school district No. 3, in the town of Waterloo, in Jefferson county, to collect a tax.

No. 37, A. An act to legalize the proceedings of a meeting of school district No. 6, in the town of Middleton, in the county of Dane.

No. 57, A. An act to appropriate to Abiel E. Brooks, the sum of seventy-two dollars and eighty-eight cents.

Also the following Memorials:

No. 28, A. A memorial to Congress for the establishment of a mail route.

No. 44, A. A memorial to Congress for the establishment of a mail route from Ridgeway to Arena, in Iowa county.

No. 52. A memorial to the Post Master General for an increase of mail service on mail route No. 13,763.

W. E. SMITH, of Senate Com.

W. C. WEBB, of Assem. Com.

On motion of Senator Chase,

Rules suspended, and

No. 76, S. A bill to incorporate the Oconto Lumbering Company, was taken up.

Ordered to a third reading,

Read the third time.

Passed.

Title agreed to.

MESSAGES.

From the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred in No. 85 S, a bill to amend an act entitled An act to incorporate the city of Berlin;

And has passed No. 33 A, a bill for An act to incorporate the city of Ripon;

In which the concurrence of the Senate is requested.

No. 219 A, An act to enable the city of Racine to levy a special tax to pay interest on the city bonds.

From the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 13 A, a bill for an act to charter a ferry across St. Croix river and lake from Prescott, Wisconsin, to Point Douglass, in Minnesota.

No. 42 A, a bill for an act to amend an act entitled An act to incorporate the Chippewa Valley Railroad Company, approved March 5, 1857.

No. 49 A, a bill for an act to enable the West Wisconsin annual conference of the Methodist Episcopal church to organize an aid society therefor with corporate privileges, and also to grant unto the Minnesota conference certain privileges.

No. 50 A, a bill for an act to incorporate the Aid Society of the Wisconsin annual conference of the Methodist Episcopal Church.

No. 60 A, a bill for an act granting the right to Fortes S. Richards to keep and maintain a ferry across the Mississippi river, at the foot of Lake Pepin.

No. 70 A, a bill for an act to authorize Joseph Scales and Edward Cronin, to keep and maintain a ferry across the Mississippi river.

No. 73 A, a bill for an act to incorporate the sisters of charity of Saint Josephs.

No. 88 A., A bill for an act to provide for a special tax to improve a road therein named.

No. 104 A., a bill for an act to lay out a State road from Fremont, in Waupaca county, to Stevens' Point, in Portage county.

No. 149 A., a bill for an act for the collection of taxes in joint school district No. 9, of the towns of Beaver Dam and Lowell, in the county of Dodge.

No. 111 A., a bill for an act to appropriate to D. Ward the sum of money therein named, to wit: \$238 00.

No. 112 A., a bill for an act to appropriate to Berliner & Bruno, the sum of money therein named, to wit: \$1700.

No. 113 A., a bill for an act to appropriate to William Habich the sum of money therein named, to wit: \$369 00.

No. 114 A. a bill for an act to appropriate to Peter Coyne the sum of money therein named, to wit: \$120 00.

No. 116 A., a bill for an act to appropriate to William Fitzpatrick, the sum of money therein named, to wit: \$120.

No. 117 A., a bill for an act to appropriate to William H. Miller the sum of money therein named, to wit: \$120.

No. 118 A., a bill for an act to appropriate to Berliner & Bruno, the sum of money therein named, to wit: \$10 00.

No. 152 A., a bill to appropriate to D. C. Poole, the sum of money therein named, for crockery furnished the State.

No. 192 A., a bill for an act to appropriate to J. D. Welch, sheriff of Dane county, the sum of money therein named.

No. 206 A., a bill to appropriate to John Dahlman & Co. the sum of money therein named, for hardware and groceries, furnished State's prison.

No. 188, A. A bill for an act to appropriate to W. P. Towers the sum of money therein named.

No. 151. A. A bill for an act to authorise the collection of taxes in the town of Ixonia and county of Jefferson.

No. 159, A. A bill to appropriate to W. S. Wells & Co., the sum of money therein named.

No. 158, A. A bill to appropriate to John Furlong & Son the sum of money therein named, for groceries furnished the State's prison.

No. 157, A. A bill to appropriate to John Keane, the sum of money therein named, for labor in and about the capitol.

In which the concurrence of the Senate is requested.

The Assembly have concurred in the passage of

Joint Resolution No. 23, S.

Relating to suits against swamp land trespassers, and

Joint Resolution No. 21, S.

Instructing Joint Committee of Investigation to inquire whether any deeds for city lots in Kilbourne City have been forwarded to members of the present legislature.

And were passed.

No. 10, S. An act to prevent obstructions in the Wisconsin river.

With Amendments in which the concurrence of the Senate is requested.

ASSEMBLY BILLS,

READ FIRST AND SECOND TIMES AND REFERRED.

Nos. 33 A, and 151 A,

To Committee on Town and County Organization.

No. 42 A.,

To Committee on Railroads.

Nos. 49 A, 50 A, and 73 A,

To committee on Incorporations.

Nos. 158 A, 159 A, 206 A, 192 A, and 111 A,

To Committee on States Prison.

Nos. 112 A, 113 A, 114 A, 116 A, 117 A, 118 A, 152 A, 157 A, and 188 A,

To Committee on State affairs.

No. 114 S.,

To joint standing committee for investigation.

No. 219 A.,

To general file.

Nos. 13 A, 60 A, 70 A, 104 A, and 88 A,

To Committee on Roads, Bridges and Ferries.

No. 149, A.,

To committee on judiciary.

The Senate concurred in the amendments of the Assembly to No. 10, S.

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Sutherland in the chair.

After some time spent therein the committee rose and reported,

Without amendment,

No. 28, A., No. 30, A., Memorial, No. 14, S., No. 75, S., No. 114, S., and No. 111, S.,

With recommendation that they do pass.

No. 18, A., with amendment.

That No. 27, A., and No. 77, A., be referred to committee on Education, &c.,

That No. 6, A., be referred to committee on roads, bridges and ferries.

That No. 61, A., be laid on the table, until Monday next.

That No. 99, S., be recommitted to the Committee on Finance.

That No. 86, A., be referred to Committee on Judiciary,

That No. 94, S., be recommitted to the Committee on Contingent expenditures,

That No. 25 A, and No. 81 S,

Be referred to the Committee on Incorporations.

And that

No. 108 S.,

Be referred to Committee on claims.

BILLS ORDERED ENGROSSED FOR A THIRD READING.

No. 111 S.,

A bill for an act to authorize the laying out of a state road, commencing in section 25, town 27, range 15, in Shawano county, to Big Bull Falls, in Marathon county.

No. 75 S.,

A bill to legalize a certain State road,

Memorial No. 14 S.,

A memorial to Congress praying for the establishment of several mail routes therein mentioned.

BILLS REFERRED.

No. 114 S.

A bill to appropriate to Madison Gas Light & Coke Co., the sum of money therein named.

Referred to joint standing committee for investigation.

No. 30 A.

A bill to amend an act entitled "an act to change the names of Elizabeth Brooks and Virginia Brooks, approved March 13, 1855.

And,

No. 86 A.

A bill for an act for the relief of the county of Jackson.

To committee on judiciary.

No. 81 A.

A bill for an act to incorporate the Half Moon Lake Canal Company.

And,

No. 25 A.

A bill for an act to incorporate the Madison and Pheasant Branch Gravel and McAdam Road Company.

To committee on incorporations.

No. 103:

A bill to more fully carry into effect the system of international exchange, and to appropriate the sum therein specified.

To committee on claims.

No. 77 A.,

A bill for an act to incorporate the Brodhead Female Seminary.

And,

No. 27 A.,

A bill for an act to establish public schools in the City of Hudson.

To Committee on Education, School and University Lands.

No. 94 S., a bill for an act to appropriate a certain sum of money therein named to defray the contingent expenses for the present year.

Re-committed to Committee on Contingent Expenditures.

No. 99 S.,

A bill to limit the rate of interest, and to repeal chapter 55 of the General Laws of 1856.

To Committee on Finance.

No. 6 A.,

A bill for an act to incorporate the North Western Turnpike Road Company.

To Committee on Roads, Bridges and Ferries.

BILLS ORDERED TO A THIRD READING.

No. 28 A.,

A bill for an act fixing the time for holding the terms of the Circuit Court of Oconto County.

And,

No. 18, A.

A bill for an act to incorporate the Farmer's Mutual Insurance Company, of Calumet county.

Amendment of committee of the whole not concurred in.

LAI'D ON THE TABLE.

No. 61, A.

A bill concerning the county seat of Adams county.

BILLS PASSED.

No. 53, S.

A bill for an act to amend an act incorporating the city of La Crosse, approved March 4th, 1856.

Read the third time,

Passed.

Title agreed to.

No. 2, S.

A bill to change time for holding the terms of the circuit court for Walworth county.

Read the third time.

Passed.

Title agreed to.

No. 18, S.

A bill for an act to provide for the publication and distribution of the laws of Wisconsin, concerning the organization and government of towns.

Read third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Hanchett, Joiner, Kingston, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington—21.

Title agreed to.

On motion of Senator Chase,

Rules suspended, and

No. 203 A., and 57 S., taken up.

No. 57 S.

A bill for an act to incorporate the "Savings and Trust Company of La Crosse, Wisconsin.

Ordered to a third reading.

Read the "third time."

Passed.

Title agreed to.

No. 203 A.

A bill for an act to amend chapter 74 of the session laws of 1856, entitled "an act for the encouragement and promotion of agriculture.

Amendments proposed by committee not concurred in.

Ordered to a third reading.

Rules suspended.

Read the third time.

Three fifths of all the members present.

Passed.

Ayes—Messrs. Bennett, Boyd, Chase, Clark, Davis, Hanchett, Joiner, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Shulteis, Simpson, Smith, Sutherland, Tueker, Warren, Walsh, Wheeler, Worthington—22.

Title agreed to.

NOTICE.

Senator Bennett gave the following notice :

I give notice that on some future day of the session, I will propose to amend the forty-first standing rule, by inserting after the word "Senate," in the fourth line, the words "unless otherwise ordered by the Senate."

The following communication was read from the Chancellor of the State University.

HON. PRESIDENT OF SENATE—

In accordance with a resolution of the Faculty of the University of the State of Wisconsin, I would extend to yourself and the several members of the Hon. the Senate, an invitation to visit the University, at such times as may suit the personal convenience of each, in order to a more perfect understanding of the conduct and the capabilities of this portion of the educational system of the State.

I have the honor to be,

Most respectfully,

Your obedient servant

J. H. LATHROP,

University, Feb. 9th, 1858.

Chancellor.

On motion of Senator Chase,

Senate adjourned until 7 o'clock this evening.

7 o'clock P. M.

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Roll of Senators called.

Messrs. Bennett, Boyd, Chappell, Clark, Giles, Greulich, Hanchett, Joiner, McClellan, Martin, Maxon, Mears, Proudfit, Shulteis, Tucker, Virgin and Walsh, absent.

No quorum present.

Senator Sutherland moved a call of the house.

Which was seconded.

Leave of absence was granted to Messrs. McClellan and Greulich.

The roll being called, there was found absent,

Messrs. Chappell, Clark, Giles, Hanchett, McClellan, Martin, Maxon, Mears, Proudfit, Shulteis, Tucker and Virgin.

The Sergeant-at-Arms was dispatched for the absentees.

Senator Sutherland moved that further proceedings under the call be dispensed with.

Which was not agreed to.

The Sergeant-at-Arms reported

Messrs. Clark, Giles, Hanchett, Martin, Maxon, Mears, Proudfit, Tucker and Virgin, as present.

Senator Bennett moved that further proceedings under the call be dispensed with.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Joiner, Kimball, Kingston, Martin, Mears, Pier, Shulteis, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—29.

Noes—Messrs. Maxon, Proudfit—2.

The motion prevailed.

SPECIAL ORDER.

Resolution No. 64 S.

Offered by Senator Simpson.

Resolved, That in framing the organic law for a State, the people have the right to settle their domestic institutions in their own way, subject only to the constitution of the United States.

Resolved, That we are opposed to the admission of Kansas into the Union as a state, under the "Lecompton Constitution," without first submitting all of the provisions of said constitution to the qualified voters of that Territory for their rejection or approval.

Resolved, That we approve of the action of those Senators and Representatives in Congress, in sustaining the submission of the whole of "Lecompton Constitution," to a fair vote of the bona fide resident electors of Kansas, before its admission into the Union as State under said constitution.

With the amendments offered by Senator Wheeler.

Amend by striking out first resolution and inserting in lieu thereof the following :

Resolved, That it is the right and duty of Congress to prohibit slavery in all the territories of the United States.

And the substitute offered by Senator Davis.

Resolved by the Senate and Assembly of the State of Wisconsin, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to oppose the passage of any act for the government of any territory now belonging the United States, or which may hereafter be acquired, unless it shall contain a provision forever prohibiting the introduction of slavery or involuntary servitude into said territories, except as a punishment for crimes.

Also, to oppose the admission of any more slave states into the Federal Union.

Also, to exert their influence to procure the repeal of all laws sustaining slavery and the slave trade in the District of Columbia, or in any other place under the control of the National Government, and to secure the passage of laws prohibiting slavery and the slave trade in all places under the exclusive jurisdiction of the Federal Government.

Senator Simpson moved that the consideration of the whole matter be indefinitely postponed. Pending which

Senator Wheeler moved the previous question.

Which was ordered,

And the ayes and noes being demanded and taken, were as follows :

Ayes—Messrs. Cook, Martin, Maxon, Mears, Schulteis, Simpson, Tucker.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kimball, Kingston, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—16.

The Senate refused to indefinitely postpone.

Senator Bean offered the following as an amendment to the substitute.

Resolved, That slavery is a relation founded in violence and force, against a natural right; that its legality, therefore, cannot be inferred or presumed, but must rest on a basis of positive law: that in the States where it exists, it exists by virtue of the local law alone, and that it neither exists nor is confirmed there, or anywhere, by the force and effect of the Constitution of the United States.

Resolved, That the Constitution of the United States does not confer on the Federal Government the power to establish slavery within its especial jurisdiction, and therefore, a Territory being but a creature or dependency of the Federal Government, cannot transcend its source and establish or uphold the institution of slavery.

Resolved, That the Constitution of the United States does not establish slavery in the Territories, and that any assumption that it does is in direct antagonism to the letter and spirit of that instrument, in violation of the doctrines of its founders.

Resolved, That the Popular Sovereignty doctrine of the Pseudo Democracy, which allows a part of a community to decide questions, in which another part having the deepest interest, is disfranchised and permitted to have no voice, is a sham and a cheat, loudly vaunted by a treacherous administration, to lull and deceive the people while they are being despoiled of their birthright, Self Government.

Resolved, That, in the language of Senator Broderick, "The

President of the United States is alone responsible for the present state of affairs in Kansas," and that "he has stepped down from the exalted position he held, to attempt to coerce the people into a base submission to the will of an illegalized body of men."

Resolved, That we will endeavor to maintain those great principles of self government laid down by the founders of this Republic; that we will resist any attempt to disfranchise the people of any portion of it; that we look at the course of the present administration with astonishment, grief and shame;—astonishment at the audacity of its course in Kansas; grief, that has become the mere tool of the vilest demagogues to assist them in extending slavery; shame, that the whole civilized world is looking on with surprise, that a government which but a few years since was so renowned for its wisdom, its virtues and its justice, is now become so depraved, so wicked.

Resolved, That the breaking up of the Missouri Compromise was an outrage upon the people of this Union, and intended by its advocates as a first step toward extending slavery over our entire territory; that Squatter Sovereignty was put forth merely to draw the attention of the people away from that perfidious act, and that it is now self evident it was never intended to be kept, that however honest people might have been in believing this plausible pretense, there is now no longer room for doubt as to its deceptive purposes.

Resolved, That the alarming fact, (as stated by Gov. Walker,) that "the principle of self government is about being subjected to a fearful and perhaps a final test, in an unhappy western territory" by the despotic attempt of the administration, as Douglas expresses it, to "put down four-fifths of the people and sustain the government established by the one-fifth," imperatively calls upon "every son of Wisconsin, wherever residing, to rise to the rescue."

Resolved, That we are decidedly opposed to the admission of Kansas under the Lecompton Constitution.

Resolved, That the Governor be requested to forward a copy of these resolutions to each of our members of Congress.

Senator Wheeler moved that the further consideration of the subject be postponed until 7 o'clock to-morrow evening, and that it be made the special order for that hour.

Which was agreed to.

On motion,

Senate adjourned.

SENATE CHAMBER, }
February 11th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieut. Governor in the Chair.

Rev. Mr. Eggleston officiated as Chaplain.

Roll of Senators called.

Messrs. Chappell, Clark, Greulich, McClellan, Proudfit and Wheeler, absent.

Journal of yesterday read and adopted.

PETITIONS, MEMORIALS, ETC., REFERRED.

Presented by the Lieut. Governor,

Depositions in the matter of the contested seat from the 14th district.

To committee on Privileges and Elections.

By Senator Sutherland,

Petition of A. Hyatt Smith and 140 others.

To committee on Incorporations.

By Senator Tucker,

Petition of citizens of the town of Alma concerning a mail route.

To committee on Internal improvements.

By Senator Worthington.

Memorial of John Hodgson in relation to a State Normal school.

To committee on Education, School and University lands.
By Senator Hanchett,
The account of John Stumpp,
To Committee on Claims.

BILLS INTRODUCED.

Read 1st and 2d times and referred.

By Senator Sutherland,
No. 142, S.

A bill to amend an act entitled "an act to incorporate the Fire Department of the city of Janesville, approved March 5th, 1857.

To Committee on Incorporations.

Also,

No. 143, S.

A bill to establish the heirship of Anna Churchman.

To Committee on Judiciary.

By Senator Hanchett,
No. 144, S.

An act to authorize the Register of Deeds in and for Waupaca county, to make a Grantor's and Grantee's index, and to transcribe certain records therein named.

On motion of Senator Hanchett,

Rules suspended.

Bill ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

By Senator Hanchett.
No. 145, S.

An act to legalize the records of the office of Register of Deeds in the county of Waupaca.

To Committee on Judiciary.

By Senator Smith.

No. 146, S.

A bill for an act to appropriate to Edward M. MacGraw,

State's Prison Commissioner, the sum of money therein named.

To Committee on Claims.

By Senator Kingston.

No. 147, S.

An act to amend an act entitled "an act to prevent trespasses on the Swamp and Overflowed Lands in this State," approved March 5th 1857.

To Committee on Public Lands.

COMMITTEE REPORTS.

Submitted by Senator Chase.

The judiciary committee report back bill No. 92 S. "a bill for an act to legalize certain taxes therein named" by substitute, and recommend the passage of the substitute.

By Senator Martin,

Committee on Engrossed bills report correctly engrossed

No. 75 S, a bill to appropriate to Donaldson & Treadway a certain sum of money.

No. 111 S, a bill for an act to authorize the laying out of a State Road.

No. 14 S, Memorial to Congress praying the establishment of several mail routes therein mentioned.

J. H. WARREN, Ch.

By Senator Davis.

REPORT:

The committee to whom was referred bills No. 112 A., 113 A., and 118 A., have had the same under consideration, and report the same back without amendment, and recommend their passage.

M. M. DAVIS,
Chairman.

By Senator Hanchett.

Your committee on State Prison, have had under consideration bill No. 111 A., a bill to appropriate to D. Ward the

sum of \$238, and report the same back with a recommendation that it be passed.

HANCHETT.

Chairman.

BILLS PASSED.

Memorial No. 14 S, a memorial to Congress praying the establishment of several mail routes therein mentioned.

Ordered to a third reading.

Read the third time,

Passed.

Title agreed to.

No. 111, S.

A bill for an act to authorize the laying out of a State road, commencing in section 25, town 27, range 15, in Shawano county, to Big Bull Falls, in Marathon county.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 28, A.

A bill for an act fixing the time for holding the terms of the Circuit Court of Oconto county.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 18, A.

A bill for an act to incorporate the Farmer's Mutual Insurance Company, of Calumet county.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

REFERRED.

No. 75, S.

A bill to appropriate to Donaldson & Treadway a sum of money.

On motion of Senator Sutherland,

Recommitted to Committee on Claims, with instructions to delay their report upon the same until the report of the late Governor as to the disposition of the Contingent fund of last year is made.

On motion,

Senate resolved into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Clark in the chair.

After some time spent therein,

Committee rose and submitted the following

REPORT.

The Committee of the whole report back bills

No. 27, S.

With recommendations that it be recommitted to the Committee on Banks and Banking.

Nos. 219, A.; 101, S.; 110, S.; 80, S.; 59, S.; 119, A.; 120, S.; 85, A.; 46, A.; 68, S.

Without amendments.

Nos. 107, S.; 73, S.; 118, S.; and 74, A.;

With amendments.

No. 191, A.

With a recommendation that it be referred to the Committee on Town and County Organizations.

Also,

Memorials Nos. 15, S.; 62, A.

CLARK, Chairman.

Senator Giles, President *pro tem.*, in the chair.

BILLS ORDERED ENGROSSED FOR A THIRD READING.

No. 68, S.

A bill for an act to amend chapter 416, of the Session laws of 1852, entitled "an act to incorporate the Dodge County

Mutual Insurance Company, approved April 17th, 1852.

No. 101 S.

An act to amend chapter 52 General Laws of 1857 entitled "an act to authorize the collection of agricultural, mineral, and manufacturing statistics.

No. 110 S.

A bill for an act to amend an act entitled "an act to lay out a State road therein named," approved March 31st, 1856.

No. 80 S.

A bill to amend section 5, of chapter 135 of the private and local laws of 1856, entitled "an act to provide for the assessment of additional highway taxes in the county of Fond du Lac."

No. 120 S.

A bill for an act to incorporate the Manitowoc Seminary.

No. 107 S.

A bill for an act to provide for laying out a State road from Belmont in La Fayette county to the Junction in Grant county.

Amendments of committee concurred in.

No. 73 S.

A bill to legalize a certain State road.

Amendments of committee concurred in.

No. 59 S. A bill to incorporate the Madison Gymnastic association.

No. 118 S.

An act to prevent obstructions in Hemlock river.

Amendments of committee concurred in,

And,

Memorial, No. 15 S.

Memorial to Congress for amount due from the sales of public lands lying within this State.

ALL BILLS ORDERED TO THIRD READING.

No 219 A. An act to enable the city of Racine, to levy a special tax to pay interest on the city bonds.

No. 119 A.

A bill for an act to appropriate to Clason & Huntsman the sum of money therein named.

No. 85 A.

A bill for an act to appropriate to Edwin Rankin the sum of \$25.

No. 46 A.

A bill for an act to lay out a State road from Fancy creek, Richland county, to Readstown in Bad Ax county.

No. 74 A. A bill for an act to amend an act entitled "an act to incorporate the Burlington Union school district.

And,

Memorial No. 62 A.

A Memorial to the Post Master General for a change in mail route No. 13,751, and an increase of mail service on the same.

BILLS REFERRED.

No. 19 A. An act to regulate the boundaries of Clark and Jackson counties.

To committee on town and county organization.

And,

No. 27 S. A bill to incorporate the Waukesha Saving bank.

Re-committed to committee on banks and banking.

Senator Sutherland moved that the special order for three o'clock P. M. be vacated, and that it be made the special order for 11 o'clock to-morrow morning.

The motion prevailed.

BILLS PASSED.

Senator Virgin moved a suspension of the rules, and that bills No. 111 A., and No. 219 A., be put upon their passage.

Which was agreed to.

No. 111 A. A bill for an act to appropriate to D. Ward a sum of money.

Ordered to a third reading.

Read the third time.

Three-fifths of all the members present.

The question being upon its passage, and the ayes and noes being required, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—23.

Passed.

Title agreed to.

No. 219, A.

An act to enable the city of Racine to levy a special tax to pay interest on the city bonds.

Read the third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—24.

Title agreed to.

Senator Bennett, pursuant to notice, offered the following amendment to the standing rules of the Senate.

Amend the Standing rules of the Senate by inserting in rule 41, after the word "Senate," at the end of the third line, the words, "unless otherwise ordered by the Senate."

On motion of Senator Wheeler,

Laid on the table one day.

The following communication was then read :

TO THE HON. THE SENATE

Of the State of Wisconsin :

I, J. L. Jenckes of Grant county, Wisconsin, administrator on the estate of the late Dr. James G. Percival, respectfully request that the amount of sixteen hundred and seventy-five dollars, (\$1,675,) remaining unpaid on account of services of

said Dr. Percival, as State Geologist, be appropriated for the payment of the same.

J. L. JENCKES.

Madison, Wis., February 11th, 1858.

Referred to joint standing committee of investigation.

On motion of Senator Martin,

Senate adjourned until 7 o'clock this evening.

7 o'clock, P. M.

Senate assembled.

Senator Giles, President pro. tem., in the chair.

SPECIAL ORDER.

Senator Davis asked leave to withdraw the substitute offered by him, to

Resolution, No. 64, S.,

Which was granted.

Senator Bean offered the following amendment :

Strike out all after "Resolved", and insert,

Resolved by the Senate, the Assembly concurring, That slavery is a most flagrant violation of the inalienable rights of mankind, and exists only by the power and force of might over right ; it cannot therefore be established and maintained in any national territory without violating the spirit and letter of the constitution of the United States.

Resolved, That the extra judicial opinion expressed in the "Dred Scott decision," is in palpable violation of the provisions of the Constitution of the United States, and subversive of the rights of the states, and of civil liberty.

Resolved, That the Lecompton Constitution is a gross and infamous fraud, conceived in the councils of tyranny—recognised only by the spirit of Despotism, advocated only by villainy—pressed upon the people only by the hand of unre-

lenting power, and designed to subvert the inherent rights of the people of Kansas.

Resolved, That the Governor of this State be, and he is hereby authorized to forward a copy of the foregoing resolutions to the President of the United States, and to each of Senators and Representatives in Congress.

Senator Tucker moved that further consideration of the subject be postponed until to-morrow eve, at 7 o'clock, and that it be made the special order for that hour.

The motion prevailed.

Senator Clark offered resolution,

No. 69 S.

Resolved, That we are opposed to the admision of any Territory into the Union as a State under any constitution which is repugnant to a majority of the *bona fide* inhabitants thereof; And,

Whereas, The Legislature of the territory of Kansas called an election in that territory on the fourth day of January last, and submitted to the qualified voters of Kansas, the Lecompton Constitution for their adoption or rejection; and,

Whereas, At such election so held in strict conformity with, and by authority of law; the sovereign people of Kansas by an overwhelming majority, rejected that Constitution; therefore

Resolved, That this legislature, representing the will and opinion of the people of the State of Wisconsin, are opposed to the admission of Kansas as a State into this Union under the Lecompton Constitution.

On motion of Senator Sutherland,
Senate adjourned.

SENATE CHAMBER, }
February 12, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Lieutenant Governor in the chair.

Prayer by the Rev. Mr. Haider.

Roll of Senators called.

Senators Greulich, Hanchett, McClellan, Maxon and Proud-
fit, absent.

PETITIONS, MEMORIALS, ETC., REFERRED.

By Senator Davis,

Petition of J. Whitney and others concerning a state road.

And,

Remonstrance of David Wilcox and others to the petition
of J. Whitney.

To Committee on Roads, Bridges, and Ferries.

Journal of yesterday read and approved.

RESOLUTIONS INTRODUCED.

By Senator Sutherland,

No. 69 S.

Resolved by the Senate, the Assembly concurring, That the judiciary committees of the two Houses of the Legislature be and they are hereby instructed to enquire whether the printing of the statutes of this State, as revised by this Legislature, comes within the provisions of the contract for the State printing; and if not, that the printing committee thereof be instructed to receive proposals for printing and binding the Revised Statutes and report the same to the Legislature at as early a day as practicable.

By Senator Sutherland.

No. 70, S.

Resolved, That the Committee on the Judiciary be and they are hereby instructed to report a bill at as early a day as possible, limiting the maximum value of a homestead, which shall be exempt from execution, to three thousand dollars

RESOLUTIONS TAKEN UP.

No. 69 S.

Resolved, That we are opposed to the admission of any Territory into the Union as a State under any constitution which is repugnant to a majority of the *bona fide* inhabitants thereof;
And,

Whereas, The Legislature of the territory of Kansas called an election in that territory on the fourth day of January last, and submitted to the qualified voters of Kansas, the Lecompton Constitution for their adoption or rejection ; and,

Whereas, At such election so held in strict conformity with, and by authority of law ; the sovereign people of Kansas by an overwhelming majority, rejected that Constitution ; therefore,

Resolved, That this legislature, representing the will and opinion of the people of the State of Wisconsin, are opposed to the admission of Kansas as a State into this Union under the Lecompton Constitution.

Senator Clark moved to amend by inserting after the word "resolved" the words "by the Senate the Assembly concurring "

Senator Martin moved to postpone the consideration of the resolution until 7 o'clock this evening.

Senator Clark called for the previous question.

Which was not sustained.

Senator Chase proceeded to discuss the question of postponement.

Senator Martin rose to a point of order to wit, that a motion to postpone to a day certain was not debateable.

The chair decided the motion debateable.

Senator Martin appealed from the decision of the chair.

Senator Chase moved to lay the motion on the table.

Upon this motion the ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Joiner, Kimball, Maxon, Sutherland, Virgin, Walsh, Wheeler, Worthington—14.

Noes—Messrs. Chappell, Cook, Giles, Kingston, Martin, Mears, Pier, Proudfit, Shulteis, Simpson, Smith, Tucker, Warren—13.

The motion prevailed.

Senator Warren moved that the whole subject be laid upon the table.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Chappell, Chase, Cook, Joiner, Kingston, Martin, Maxon, Mears, Proudfit, Shulteis, Simpson, Smith, Suherland, Tucker, Warren, Walsh—16.

Noes—Messrs. Bean Bennett, Boyd, Clark, Davis, Giles, Kimball, Pier, Virgin, Wheeler, Worthington—11.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Joiner,

No. 148 S.

A bill concerning assessment rolls and tax receipts.

To committee on finance.

By Senator Chase.

No. 149 S.

A bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

To committee on judiciary.

By Senator Mears,

No. 150, S.,

A bill for an act to amend an act entitled "an act to incorporate the city of Prescott."

To committee on incorporations.

By Senator Giles,

No. 151, S.,

A bill to appropriate to D. C. Poole & Co., a certain sum of money.

On motion of Senator Giles,

Rules suspended,

Bill read third time.

Passed.

Title agreed to.

COMMITTEE REPORTS

Submitted by Senator Chase,

The Judiciary Committee report back,

Bill, No. 38, S., by substitute, and recommend the passage of the substitute.

C. S. CHASE.

Chairman.

Substitute, No. 38, S.,

Read first and second times,

And referred to general file.

By Senator Warren,

Committee on engrossed bills report correctly engrossed,

No. 76, S., a bill for an act to incorporate the Oconto Lumbering Company.

J. H. WARREN.

Chairman.

By Senator Smith.

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled

No. 85 S.,

An act to amend an act entitled "an act to incorporate the City of Berlin," approved March 6th, 1857.

No. 203 A.,

An act to amend chapter seventy-four of the Session Laws of 1856, entitled "an act for the encouragement of agriculture."

And,

No. 111 A.,

An act to appropriate to D. Ward the sum of two hundred and thirty-eight dollars.

And find the same correctly engrossed.

W. E. SMITH,

Of Senate.

W. C. WEBB,

Of Assembly.

Feb. 12th, 1858.

By Senator Kimball.

The Committee on Incorporations report Bill 142 S., a bill

for an act to amend an act entitled "an act to incorporate the Fire Department of the city of Janesville."

Also,

No. 105 S.,

An act to incorporate the Chippewa Falls Bridge Company.

Also,

No. 136 S.,

A bill to incorporate the Osceola Literary Association, of Polk County.

Also,

No. 17 A.,

A bill for an act to incorporate the Columbia City & Building Association of Milwaukee.

Also,

No. 81 A.,

An act to incorporate the Half Moon Lake Canal Co.

And recommend their passage.

Also,

No. 126 S.,

A bill to vacate part of a street in the village of Delavan.

Also,

Bill No. 3 A.,

A bill for an act to vacate certain streets in the village of Argyle.

With the recommendation that they lie on the table.

M. L. KIMBALL, Ch'n.

By Senator Martin.

The Committee on Legislative Expenditures have had under consideration Bill No. 132 S., a bill to authorize the Secretary of State to audit certain accounts, and recommend that it be referred to Committee on Claims.

M. L. MARTIN, Ch'n.

Message from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed

No. 227 A. A bill for an act to authorize the collection of a delinquent school tax in the town of Dellona in the county of Sauk.

No. 231 A. A bill for an act to change the name of Susan Glynn, to Emma Hart.

And,

No. 224 A. A bill for an act concerning contempts.

In which concurrence of the Senate is requested.

BILLS PASSED.

Memorial No. 15 S.

Memorial to Congress for amount due from the sales of Public Lands lying within this State.

Read the third time.

Passed.

Title agreed to.

Memorial No. 62 A.

A memorial to the Post Master General for a change in mail route No. 13,751, and an increase of mail service on the same.

Read the third time.

Passed.

Title agreed to.

No. 74 A.

A bill for an act to amend an act entitled "an act to incorporate the Burlington Union school district.

Read the third time.

Passed.

Title agreed to.

No. 85 A.

A bill for an act to appropriate to Edwin Rankin the sum of \$25.

Read the third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Joiner, Kimball, Kingston, Martin, Maxon,

Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—25.

Title agreed to.

No. 46, A.,

A bill for an act to lay out a state road from Fancy Creek, Richland Co., to Readstown, in Bad Ax Co.

Read the third time.

Passed. *John W. Smith*

Title agreed to.

No. 119, A.,

A bill for an act to appropriate to Clason & Huntsman the sum of money therein named.

Read the third time.

Three-fifths of all the members present.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Giles, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Shulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—24.

Title agreed to.

The following communication was read by the Lieut. Governor.

Mayor's Office, }
City of Milwaukee, Feb. 11. 1858. }

HON. E. D. CAMPBELL, *President of the Senate*—

DEAR SIR:—I am instructed by the Common Council of this city, to forward to you the enclosed preamble and resolutions, and request you to lay the same before the Senate.

Respectfully yours,

J. R. CROSS,

Mayor of the City of Milwaukee.

WHEREAS, A bill has been introduced into the Assembly of this State to prohibit the City of Milwaukee from any further issue of its corporate bonds, Therefore

Resolved, By the Mayor and Common Council that we are in favor of the passage of an act restraining the city from

any further issue of bonds to railroad companies, and also for any new work for the city or wards to be hereafter commenced, but to be so framed as not to interfere with existing contracts or to prevent the city from completing the various improvements now commenced and for the payment of which no provision is made, except by an issue of city bonds, and also to allow the city to issue new bonds to take up any city bonds which may hereafter become due as provided in an act authoring the city to create a sinking fund, "approved October 11th, A. D. 1856."

Resolved, That the Mayor be and he is hereby requested to forward a certified copy of the foregoing resolution to the Speaker of the Assembly and the President of the Senate, and to request them to lay the subject before their respective bodies of the Legislature.

I hereby certify that the foregoing is a true copy of a preamble and resolution adopted at a meeting of the Common Council of the city of Milwaukee, [L. S.] held on the 10th day of February, A. D. 1858.

R. B. LYNCH,
City Clerk.

On motion of Senator Giles,
Laid on the table.

Senator Kingston moved that the rules be suspended, and Bills No. 234 A., and No. 227 A., be put upon their passage.

Which was agreed to.

No. 227 A.

A bill for an act to authorize the collection of a delinquent school tax in the town of Dellona, in the county of Sauk.

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, Martin Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith,

Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington.
—26.

Title agreed to.

No. 224 A.

A bill for an act concerning contempts.

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Noes—Mr. Cook.

Title agreed to.

REFERRED.

No. 231 A.

A bill to change the name of Susan Glynn to Emma Hart.
To Committee on Judiciary.

SPECIAL ORDER.

On motion of Senator Sutherland,
Senate went into

EXECUTIVE SESSION.

Senator Giles, President *pro tem.*, in the Chair.

Senator Davis moved that the business of the Executive Session be transacted with open doors.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bean, Boyd, Davis, Giles, Hanchett, Joiner, Kingston, Maxon, Pier, Shulteis, Simpson, Virgin, Warren, Walsh and Worthington—15.

Noes — Messrs. Bennett, Chase, Clark, Cook, Kimball, Martin, Mears, Proudfit, Smith, Sutherland, Wheeler—11.

Senator Chase made the following motion :

That the proceedings of this Executive Session be printed

in the Journal with the usual proceedings of the Senate, in their order.

The message of His Excellency the Governor, was then read.

STATE OF WIS., EXECUTIVE DEPARTMENT, }
MADISON, January 28, 1858. }

TO THE HON. SENATE:—

In pursuance of the provisions of an act entitled “an act for the encouragement of Academies and Normal Schools,” approved March 7th, 1857, my predecessor filled the Board of Regents, by appointment, as follows :

Edwin Cook, Appleton, Wis.

J. G. M'Kindley, Kenosha, Wis.

A. C. Spicer, Milton, Wis.

Alfred Bronson, Prairie du Chien, Wis.

N. H. Virgin, Platteville, Wis.

S. C. Bean, Waukesha, Wis.

D. Y. Kilgore, Madison, Wis.

M. P. Kinney, Racine, Wis.

J. J. Enos, Watertown, Wis.

Of these the term of office of N. H. Virgin, A. C. Spicer, and Edwin Cook, expired on the first day of January, A. D., 1858, and those gentlemen were re-appointed by my predecessor on that day. On the fifteenth day of January, inst. N. H. Virgin filed in my office his resignation of his office as one of said Regents, and I recommend to the Senate, for confirmation in his place, Hanmer Robbins, of Platteville, Wis.

I transmit to the Senate for its approval, the above appointments, as required by the terms of the act.

ALEX. W. RANDALL, Governor.

Senator Davis moved as follows :

I move that that the Senate act upon the executive nominations separately.

DAVIS.

Which was agreed to.

The appointment of Edwin Clark of Appleton

Was then confirmed by the Senate

Upon the question of confirming the appointment of J. G. McKindley of Kenosha.

The ayes and noes being called for and ordered,

Were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Joiner, Kimball, Maxon, Mears, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler and Worthington—18.

Noes—Messrs. Cook, Giles, Hanchett, Kingston, Martin, Pier, Proudfit, Shulteis, Simpson and Tucker—10.

The appointment was confirmed.

Senator Virgin moved to reconsider the vote by which the Senate decided to consider the appointments separately.

The motion prevailed.

Senator Clark moved a reconsideration of the vote by which the appointment of J. G. McKindley was confirmed.

The motion prevailed.

Senator Wheeler moved to reconsider the vote by which the appointment of Edwin Cook was confirmed.

Which was agreed to.

Senator Joiner moved that the Senate do confirm the appointments of the Governor.

The ayes and noes being demanded and ordered were as follows :

Ayes—Messrs. Chappell, Chase, Giles, Joiner, Virgin, Warren, Worthington—7.

Noes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Tucker, Walsh, Wheeler—20.

The Senate refused to confirm the nominations.

Senator Sutherland moved as follows :

That the Chief Clerk be instructed to return the list of nominations to the Governor, and inform him that the Senate refuses to confirm them, solely on the ground that they are not distributed throughout the State, as in our judgment they should be.

Senator Maxon moved to amend by striking out all after the word "them."

Which was agreed to.

Senator Virgin moved to lay the resolution on the table.

Not agreed to.

The motion as amended was then adopted.

On motion of Senator Wheeler,

Senate adjourned until 7 o'clock P. M.

7 o'clock, P. M.

Senate assembled.

Senator Giles, President *pro tem.*, in the Chair.

SPECIAL ORDER.

Resolution No. 64 S.,

Introduced by Senator Simpson.

Concerning the question of slavery, and the admission of Kansas under the Lecompton Constitution.

With the amendment to said resolution offered by Senator Bean.

Senator Simpson moved to take from the general file the protest offered by Senator Davis, and, also, take from the table,

Resolution No. 69 S., introduced by Senator Clark.

The chair decided the motion out of order.

The question being upon the adoption of the amendment offered by Senator Bean.

Senator Chase moved that the further consideration of the subject be postponed until 7 o'clock Monday evening.

Which was agreed to.

On motion of Senator Sutherland,

Senate adjourned.

SENATE CHAMBER, }
February 13th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Senator Giles President *pro. tem.* in the Chair.

Rev. Mr. Brooks officiated as Chaplain.

Roll of Senators called.

Messrs. Cook, Kimball, Greulich, McClellan, Smith, and
Wheeler absent.

Journal of yesterday read and corrected.

PETITIONS, MEMORIALS, ETC., REFERRED.

Presented by Senator Kingston.

Remonstrance of F. Winsor and others against the passage
of the law in relation to the redemption on mortgages.

To committee on judiciary.

RESOLUTIONS.

Joint Resolution,

No. 25 S.

Resolved by the Senate, the Assembly concurring, That the judiciary committees of the two Houses of the Legislature be and they are hereby instructed to enquire whether the printing of the statutes of this State, as revised by this Legislature, comes within the provisions of the contract for the State printing; and if not, that the printing committee thereof be instructed to receive proposals for printing and binding the Revised Statutes and report the same to the Legislature at as early a day as practicable.

Adopted.

Resolution,

No. 70, S.

Resolved, That the Committee on the Judiciary be and they are hereby instructed to report a bill at as early a day as possible, limiting the maximum value of a homestead, which shall be exempt from execution, to three thousand dollars

Senator Sutherland moved to refer to committee of three.

Not agreed to.

Senator Bennett moved to amend by striking out "to three thousand dollars."

Senator Virgin offered the following as a substitute :

Resolved, That the Judiciary Committee be requested to enquire into the expediency of limiting the maximum value of a homestead which shall be exempt from execution.

Not adopted.

The question being on the adoption of the amendment proposed by Senator Bennett.

The amendment was agreed to.

Resolution as amended adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Maxon, 91

No. 152, S.,

A bill for an act to provide for the protection of stock holders of Rail Road corporations.

To Committee on Rail Roads.

By Senator Hanchett,

No. 153 S.

An act to amend section 1 of chapter 264 of private and local laws of 1857, entitled "an act to incorporate the village of Waupun.

To committee on Judiciary.

COMMITTEE REPORTS.

Submitted by Senator Warren.

Committee on engrossed bills, report correctly engrossed :

No. 73 S., No. 68 S., No. 120 S., No. 118 S.; No. 80 S., No. 110 S., No. 107 S., No. 101 S., and No. 59 S.

J. H. WARREN,

Chairman.

By Senator Bean.

Teh committee on town and county organization, to whom was referred certain bills, have instructed me to report as follows:

Bill No. 33 A., being an act to incorporate the city of Ripon. Also, bill No. 139 S., for an act to vacate certain streets, and blocks, in the village of Waupun. Without amendment, and recommend that they do pass.

Also, bill No. 151 A., for an act to authorize the collection of taxes in the town of Ixonia, in the county of Jefferson, with amendments, and when so amended, recommend its passage.

S. C. BEAN,
Chairman.

By Senator Chase.

The judiciary committee report back bills Nos. 145 S., An act to legalize the records of the office of Register of deeds in the county of Waupacca. No. 149 S., a bill for an act to release the claim of the State of Wisconsin to certain lands therein specified. No. 113 S., An act to amend chapter 52 of the Revised Statutes, relating to the incorporation of villages. And recommend their passage.

C. S. CHASE, Jr.
Chairman.

By Senator Pier.

The joint committee on claims have had under consideration Senate bill No. 146, a bill to appropriate to Edward McGraw, State Prison Commissioner, a certain sum of money, and have instructed me to report the same back to the Senate without any recommendation.

Also,

Bill No. 109 S., and report the same back with amendment, and when so amended, recommend its passage.

Also,

The account of D. G. Powers, and recommend that the same be indefinitely postponed.

Also,

The papers of Wm. Cromby, and recommend that he have the privilege of withdrawing the same.

E. PIER, Chairman.

By Senator Warner,

The joint committee on enrolled bills have examined and compared

No. 224 A.

An act to extend the time for the collection of school district tax in school district No. 2, in the town of Richland, in the county of Richland.

No. 28 A.

An act to amend an act fixing the time for holding the terms of the circuit court of Oconto county.

And,

No. 219 A.

An act to enable the city of Racine to levy a special tax to pay interest on the city bonds.

And find the same correctly enrolled.

J. H. WARREN, Of Senate.

W. C. WEBB, Of Assembly.

By Senator Warren,

The joint committee on enrolled bills would report that they have this 13th day of February, 1858, presented to the Governor for his approval.

No. 224 A.

An act concerning contempts.

No. 85 S.,

An act to amend an act entitled "an act to incorporate the City of Berlin," approved March 6th, 1857.

No. 203 A.,

An act to amend chapter seventy-four of the Session Laws of 1856, entitled "an act for the encouragement and promotion of agriculture."

And,

No. 111 A.,

An act to appropriate to D. Ward the sum of two hundred and thirty-eight dollars.

J. H. WARREN. Of Senate Com.

W. C. WEBB, Of Assem. Com.

By Senator Wheeler,

The committee on Railroads to whom was referred No. 42 A., a bill for an act to amend an act entitled "An act to incorporate the Chippewa Valley Railroad Company, approved March 5th, 1857." report the same back without amendment, and recommend its passage.

The committee also report back No. 91 S., a bill to amend the act entitled "An act to incorporate the Green Bay, Depere and Madison Railroad Company."

And No. 112 S., "A bill in relation to railroad bridges," with amendments, and as amended recommend their passage.

E. WHEELER,

Chairman.

MESSAGES.

From the Assembly.

MR. PRESIDENT:

I am directed to present for signature,

No. 224 A.

An act concerning contempts.

Which has been signed by the Speaker.

MR. PRESIDENT—

I am directed to present for your signature,

No. 111 A.

An act to appropriate to D. Ward the sum of two hundred and thirty-eight dollars.

No. 203 A.

An act to amend chapter seventy-four of the session laws of 1856, entitled "An act for the encouragement and promotion of agriculture."

No. 85 S.

An act to amend an act entitled "An act to incorporate the city of Berlin, approved March 6th, 1857."

Which have been signed by the Speaker.

BILLS PASSED:

No. 101 S.

An act to amend chapter 52 General Laws of 1857 entitled "an act to authorize the collection of agricultural, mineral, and manufacturing statistics.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 110 S.

A bill for an act to amend an act entitled "an act to lay out a State road therein named," approved March 31st, 1857.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 120 S.

A bill for an act to incorporate the Manitowoc Seminary.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 68, S.

A bill for an act to amend chapter 416, of the Session laws of 1852, entitled "an act to incorporate the Dodge County Mutual Insurance Company, approved April 17th, 1852.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 73 S.

A bill to legalize a certain state road.

Ordered to a third reading,

Read the third time.

Passed.

Title agreed to.

No. 59 S.

A bill to incorporate the Madison Gymnastic Association.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 107 S.

A bill for an act to provide for laying out a state road from Belmont in La Fayettee county, to the Junction in Grant county.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 118 S.

An act to prevent obstructions in Hemlock river.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 80 S.

A bill to amend section 5, of chapter 135 of the private and local laws of 1856, entitled "An act to provide for the assessment of additional highway taxes in the county of Fond du Lac."

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Virgin, Warren, Walsh—22.

Title agreed to.

Memorial,

No. 15, S.

Memorial to Congress for amount due from sales of public lands.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

On motion of Senator Davis,

The rules were suspended.

And

No. 146, S.

A bill for an act to appropriate to Edward M. MacGraw, State's Prison Commissioner, the sum of money therein named.

Taken up.

Ordered to a third reading,

Read the third time,

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Virgin, Walsh—21.

Title agreed to.

INTRODUCED ON LEAVE GRANTED.

By Senator Davis.

Memorial,

No. 16, S.

A Memorial to Congress concerning the Pacific Railroad and the Nebraska Land Grant.

Referred to general file.

On motion of Senator Chase,

Senate went into

EXECUTIVE SESSION.

Senator Bennett moved to reconsider the action of the Senate in refusing to confirm the appointments for the Board of Regents of Normal Schools, submitted by the Governor.

Senator Bennett moved to lay the motion to reconsider on the table.

Senator Clark moved to indefinitely postpone the consideration of the whole subject.

The Chair decided the motion not in order.

The question being upon laying the motion to reconsider on the table.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bennett, Chase, Mears, and Wheeler—4.

Noes—Messrs. Bean, Boyd, Clark, Davis, Giles, Hanchett, Joiner, Kingston, Martin, Maxon, Pier, Proudfit, Shulteis, Simpson, Sutherland, Virgin and Walsh—17.

Not agreed to.

Senator Clark repeated the motion for indefinite postponement.

The chair decided the motion not in order.

Senator Clark moved that the Senate adjourn until 4 o'clock, Monday P. M.

The ayes and noes being demanded and ordered,

Were as follows :

Ayes—Messrs. Clark, Hanchett, Maxon, Pier, Proudfit, Shulties, and Simpson—7.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kingston, Martin, Mears, Sutherland, Tucker, Virgin, Warren, Walsh, and Wheeler,—16

The Senate refused to adjourn.

The question being upon the reconsideration of the action of the Senate, in non-confirming the appointments of the Governor, and the ayes and noes being called for and had, were as follows :

Ayes—Messrs. Bennett, Chase, Giles, Joiner, Martin, Mears, Sutherland, Virgin, and Warren.—9.

Noes.—Messrs. Bean, Boyd, Clark, Davis, Hanchett, Kingston, Maxon, Pier, Proudfit, Schulteis, Simpson, Tucker, Walsh, and Wheeler.—14.

The Senate refused to reconsider its action.

Senator Joiner moved that the Senate go into committee of the whole.

The motion was lost.

Senator Bennett offered the following resolution.

Resolved, That when the Senate adjourn it be to meet at 7 o'clock on Monday next.

The ayes and noes were taken and were as follows:

Ayes.—Messrs. Bennett, Boyd, Davis, Giles, Hanchett, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker and Walsh.—13.

Noes.—Messrs. Bean, Chase, Joiner, Kingston, Virgin, Warren, and Wheeler.—7.

The motion prevailed.

On motion, Senate adjourned.

SENATE CHAMBER,
February 15, 7 o'clock, P. M. }

Senate assembled.

Senator Giles, President pro tem., in the chair.

Roll of Senators called.

Messrs. Chappell, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Proudfit, Smith, Tucker, Warren and Walsh absent.

The reading of the Journal of Saturday was dispensed with.

Senator Cook, on leave, gave the following

NOTICE:

Notice—That I will, on to-morrow, or as soon thereafter as possible, introduce a bill for an act to authorize the punishment of any member, officer, or agent of any investigating committee of this legislature, who shall in any way or manner, either directly or indirectly, at any time, divulge or disclose, in any way or manner, whatever any of the evidence taken before such committee, or any other of the proceedings of such committee, except by and with the sanction of such committee.

COOK.

Senator Wheeler moved that the further consideration of the special order of the evening be postponed, until 7 o'clock, Wednesday evening.

Which was agreed to.

Senator Martin, on leave, introduced

The Remonstrance of Edward West, and 504 other citizens of Outagamie county, against change in the location of Wisconsin and Superior Railroad.

Referred to Committee on Rail Roads.

Senator Warren, on leave introduced

The account of J. R. Cowdry.

Referred to Committee on Claims.

On motion of Senator Wheeler,

Senate adjourned.

SENATE CHAMBER,
February 16th, 10 o'clock, A. M. }

Senate assembled.

Senator Giles, president *pro tem.* in the chair.

The Rev. Mr. Millour officiated as Chaplain.

Roll of Senators called.

Messrs. Chappell, Clark, Hanchett, Joiner, Kimball, Proud-fit and Smith absent.

PETITIONS, ETC., REFERRED.

Presented by Senator Schulteis :

Petition of S. E. Moore and 95 others to repeal an act incorporating the village of Port Washington.

To Committee on Town and County Organization.

By Senator Bennett :

Petition of 163 citizens of Beloit and vicinity, asking the repeal of Chapter 558 of the General Laws of 1856, in relation to rates of interest and the re-enactment of the law repealed by that act.

To Committee on Finance.

By Senator Wheeler:

Memorial of Joseph Stringham asking an amendment of city charter of Oshkosh.

To Committee on Incorporations.

By Senator Greulich:

Petition of J. A. Liehaber and others, praying that J. A. Phillips' claim as Military Store-keeper be allowed.

To committee on militia.

By Senator Boyd,

Petition of O. S. Cook and L. Rodgers.

To committee on education, school and university lands.

By Senator Wheeler,

Remonstrance of R. P. Eighme, and ten other members of Winnebago County Bar, against detaching the County of Winnebago from the 4th Judicial Circuit.

To committee on judiciary.

By Senator Shulteis,

Petition of the Trustees and President of the village of Port Washington, and fifty others, for the enactment of a law to grant the north half of the public square of said village to School District No. 1, in the town of Port Washington, for the use of erecting a school house thereon.

To committee on judiciary.

By Senator Greulich,

Account of Guido, Pfister & Co.,

To Committee on Claims.

RESOLUTIONS INTRODUCED.

By Senator Bean, No. 71 S.,

Resolved by the Senate, the Assembly concurring, That the Joint Committee of Investigation be, and they are hereby instructed to enquire into and ascertain what has become of the lumber which the State purchased of the original contractors for the erection of the Lunatic Asylum.

BILLS READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Bean,

No. 161 S., a bill for An act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

Referred to general file.

Introduced by Senator Boyd,

No. 154 S., a bill for An act providing for the organization, enrolling and discipline of the Militia of the State of Wisconsin.

To Committee on Militia.

By Senator Virgin,

No. 155 S., a bill for An act to provide for the keeping of insane persons, and to authorize the Secretary of State to audit accounts therefor.

To Committee on State Affairs.

By Senator Hanchett,

No. 156 S., An act to extend the time for the payment of the interest due on the Swamp lands and School fund of this State.

To Committee on State affairs.

By Senator Schulteis,

No. 157 S., An act to repeal Chapter 367 of the Private and Local laws of the year 1857, entitled "an act to amend an act entitled 'an act to incorporate the village of Port Washington.' "

To committee on town and county organization.

By Senator Pier, from committee on claims,

No. 158, S., a bill to appropriate C. W. Cook, the sum of money therein named.

Also,

No. 159, S., a bill to appropriate to the Trustees of the Baptist Society of Madison the sum of money therein named.

Also,

No. 160, S., a bill to appropriate to Tibbits and Gordon the sum of money therein named.

Which were severally read the first and second times,

And referred to general file.

COMMITTEE REPORTS.

Submitted by Senator Worthington:

The Committee on Banks and Banking, to whom was referred, No. 27, S., "a bill to incorporate the Waukesha Savings Bank," report the same back, with additional amendments, and recommend that the same be engrossed and ordered printed.

D. WORTHINGTON, Chairman.

By Senator McClellan,

The Committee on Internal Improvements, to whom was referred the petition of citizens of the town of Alma, represent, that the public good required that a mail route should be established from La Crosse in La Crosse county, to Prescott in Pierce county, via Galesville in Trempeleau county, Fountain city, Buffalo city, Belvidere city, Alma, North Pepin and Maiden Rock; have had the subject under consideration, and report a memorial to Congress, with the recommendation that it do pass.

SAM. R. McCLELLAN, Chairman.

Memorial No. 17 S., a memorial to Congress for a mail route from La Crosse, La Crosse county, to Prescott in Pierce county.

Read first and second times and referred to general file.]

By Senator Pier,

The Joint Committee on Claims, to whom were referred the accounts of Trustees of Baptist Society, of Madison; of Tibbitts & Gordons, and C. W. Cook, have had the same under consideration, and report bills appropriating to each of them the amount claimed.

They have also had under consideration the petition of Julius Erdman, and report it back, with a recommendation that it be indefinitely postponed.

Also,

No. 121, S., and report it back with the recommendation that it be referred to the Standing Committee on Investigation.

Also,

No. 115, S., and report it back without any recommendation, except that the petition be read for the information of the Senate.

E. PIER,

Chairman.

Report of the Committee on Claims, in favor of granting William Crombie leave to withdraw papers presented by him.

Concurred in.

And leave granted.

On motion, Senate went into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Wheeler in the chair:

After some time spent therein the committee rose and reported,

Recommending that,

No. 100, S.; 32, A.; 43, A.; 44, A.; 67, A.; 130, S.; 127, S., and 113, A.

Be passed without amendment.

That

No. 91, S.; 149, S., and 151, A.,

Be passed with amendments,

That

Nos. 80. A.; 22, A.; 3, A., and 126, S.,

Be referred to Committee on Town and County Organizations.

No. 92, S.

With substitute, and recommending that substitute pass.

That

No. 81, A.

Be referred to Committee on Incorporations.

That

No. 47, S.

Be made the special order for Thursday next, at 11 o'clock,

A. M., and for same hour on each succeeding day, until disposed of.

That

No. 6, S.

Be laid aside for further consideration in committee of the whole, at some future time, and leave asked to sit again.

That Protest against the admission of Kansas under the Lecompton Constitution, be laid upon the table until the special order of Wednesday evening is disposed of.

WHEELER,

Chairman.

BILLS ORDERED ENGROSSED FOR A THIRD READING.

No. 91, S.

A bill to amend the act entitled, "an act to incorporate the Green Bay, Depere and Madison Railroad Company," approved March 17th, 1853.

Amendments of Committee concurred in.

No. 92, S.

A bill for an act to legalize certain taxes therein named.

Substitute adopted.

No. 100, S.

A bill for an act to legalize the proceedings of School District No. one, in the town of Pepin, and to authorize the collection of a tax therein.

No. 127, S.

A bill for an act to legalize the official acts of Lewis Hodges, a Justice of the Peace of the town of Rushford, in the county of Winnebago.

No. 130, S.

A bill for an act to legalize the assessment and assessment roll of the town of Franklin, in Bad Axe county, for the year 1857.

BILLS ORDERED TO THIRD READING.

No. 32, A.,

A bill for an act to appropriate to William A. Campbell the sum of money therein named.

No. 43, A.,

A bill for an act to amend chapter 505 of the laws of 1856, entitled an act to incorporate the Green Bay and Kewaunee Plank Road Company.

No. 67, A.,

A bill for an act to authorize Dane County to extend a loan,

No. 151, A.,

A bill for an act to authorize the collection of taxes in the town of Ixonia, and county of Jefferson.

Amendments concurred in.

REFERRED ETC.

No. 22, A.,

A bill for an act to repeal chapter 219 of the private and local laws of 1857.

No. 126 A, a bill to vacate part of a street in the village of Delavan.

No. 3 A., a bill for An act to vacate certain streets in the village of Argyle, and

No. 80 A., a bill for An act to change the name of the village of Boston to that of Newport.

Were severally referred to the Committee on Town and County organization.

No. 81 A., a bill for An act to incorporate the Half-Moon Lake Canal Company.

Referred to Committee on Incorporations.

No. 44 A., a bill for An act to change the time for holding the annual election of Directors of the Wisconsin Railroad Company.

Referred to Committee on Railroads.

No. 47 S., a bill to amend Chapter 15 of the Revised Statutes in relation to the assessment and valuation of Taxes.

Made the special order for Thursday at 11 o'clock, A. M., and each succeeding day until disposed of.

No. 6, S.,

A bill to incorporate Kilbourn University.

Report of committee concurred in.

Leave to sit again granted.

Protest against admission of Kansas under the Lecompton Constitution.

Report of committee concurred in.

Laid on the table until the special order for Wednesday evening is disposed of.

Account of D. J. Powers.

Referred to committee on claims.

BILLS PASSED.

On motion of Senator Davis,

Rules suspended.

And bills, No. 149, S., and 113, A.,

Put upon their passage.

No. 149, S.,

A bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

Ordered to third reading.

Read the third time.

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Shulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler and Worthington.—26.

Title agreed to.

No. 113 A., a bill for An act to appropriate to William Habich the sum of money therein named.

Ordered to third reading.

Read the third time.

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Shulteis, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler and Worthington.—25.

Title agreed to.

Senator Wheelser on leave introduced the following resolution :

Resolved, That the use of the Senate Chamber be granted this evening to Mr. Thomas, from Dubuque, for the purpose of affording to him an opportunity to speak upon the subject embraced in the memorial reported by the Railroad Committee on Saturday last.

Rules suspended.

Resolution adopted.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Asssembly have concurred in the passage of

No. 151, S.

A bill for an act to amend an act entitled, "an act to incorporate the Madison Gas Light and Coke Company, approved January 17th, 1855.

No. 14, S.

An act to legalize certain roads therein named, and declairing the same to be State roads.

No. 26, S.

A bill for an act to change the time for holding the Fall term of the Circuit Court of Calumet county.

No. 37, S.

A bill to incorporate the Norwegian Lutheran Synod, of the State of Wisconsin.

No 39, S.

An act to appoint Commissioners to lay out a State road named therein.

No. 61, S.

A bill to appropriate to P. M. Bovee, the sum of money therein named, to wit.: \$61 95.

No. 62, S.

A bill to appropriate to T. A. H. Edwards, the sum of money therein, to wit.: \$150 00.

No. 63, S.

A bill to appropriate to Herman L. Page, the sum of money named therein, 1,137 50.

No. 141, S.

A bill for an act to authorize the judge of the 6th judicial circuit to appoint a place for holding the Circuit Court in the county of Buffalo.

The Assembly have passed,

No. 251, A.

A bill for an act to authorize the voters of Buffalo county to vote on the question of erecting county buildings.

And

No. 193, A.

A bill for an act to appropriate to Charles Berger the sum of money named therein.

In which the concurrence of the Senate is requested.

On motion of Senator Clark,

Rules suspended.

No. 251, A.,

Taken up.

Read first and second times.

On motion of Senator Cook.

Referred to select committee of three with instructions to report in the morning.

Messrs. Cook, Clark and Tucker were appointed such committee.

The following communication was presented by Senator Giles:

To the Honorable the Senate of the State of Wisconsin:

The undersigned, a resident of the city of Madison, would respectfully represent to your honorable body that he is possessed, as the assignee of Daniel S. Durrie, of about six hundred volumes of the Wisconsin Supreme Court Reports, composing volumes 1, 2, 3 and 4, and being nearly the entire editions thereof, not already sold for private libraries, of which he is obliged to make immediate sale. He would therefore offer them to the State of Wisconsin, for the use of the libra-

ry, exchanges and public officers, at the original publishers prices, and he respectfully asks your honorable body to take such action in relation to the matter as may seem proper.

Very respectfully, yours, &c.,

WILLIAM RIPLEY,

Assignee.

MADISON, Feb. 16, 1858.

Referred to Committee on State Affairs.

On motion,

Senate adjourned.

SENATE CHAMBER,
Feb. 17, 10 o'clock, A. M. }

Senate assembled.

Senateur Giles, Persident pro tem., in the chair.

Rev. Mr. Britton officiated as chaplin.

Roll of Senators called.

Messrs, Chappell, Greulich, Hanchett, Joiner, Martin, Walsh absent.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

Presented by Senator Sutherland,

Memorial of John C. Johnson and others.

To committee on finance.

Also,

Petition of George Patchin and others.

Referred to committee on education, school and university lands.

By Senator Maxon,

Petition of Charles Shutter and others, stockholders in the La Crosse and Milwaukee, asking for a law requiring all Railroad corporations to make annual reports to the Secretary of State.

Also, *of the subject "Journal of*

The petition of George Lofi and others, on the same subject.

To committee on railroads.

By Senator Smith.

Account of Jermain and Brightman for publishing Annual Report of State Prison Commissioner.

To Committee on States Prison.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Worthington.

No. 162 S.

A bill for an act to extend the time for collecting taxes in the town of Eagle, in Waukesha County.

To general file.

By Senator Pier, from committee on claims.

No. 163 S.

A bill to appropriate to J. R. Coudrey, the sum of money therein named.

To general file.

By Senator Bennett.

No. 164 S.

A bill to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857.

To committee on the judiciary.

By Senator Tucker.

No. 165 S. *of the subject "Journal of*

A bill for an act legalizing the proceedings of a school meeting held in school district No. 2, in the town of Belvidere, in Buffalo county, on the 28th of December, A. D. 1857, for the purpose of levying a school tax in said town.

To Committee on Judiciary.

RESOLUTIONS INTRODUCED.

By Senator Chase.

No. 71, S. *of the subject "Journal of*

Resolved, That the Committee on Printing examine the

pamphlet entitled "Senate Manual," specimens of which were laid on Senators desks this morning, with reference to the manner in which that pamphlet is printed, and report at their earliest convenience, as to whether the Senate is compelled to take the same from the printer, and whether the State is liable to pay for such printing.

CHASE.

RESOLUTIONS PASSED.

Joint resolutions

No. 26, S.

Resolved by the Senate, the Assembly concurring, That the Joint Committee of Investigation be, and they are hereby instructed to inquire into and ascertain what has become of the lumber which the State purchased of the original contractors for the erection of the Lunatic Asylum.

COMMITTEE REPORTS.

Submitted by

Senator Kimball.

The Committee on Incorporations report

No. 49, A.

A bill for "an act to enable the West Wisconsin Annual Conference of the Methodist Episcopal Church to organize an Aid Society therefor, with corporate privileges; and also to grant unto the Minnesota Conference certain privileges."

Also,

No. 73, A.

An act to incorporate the Sisters of Charity of Saint Josephs.

Also,

No. 81, A.

An act to incorporate the Half-Moon Lake Canal Company,

And recommend their passage.

By Senator Sutherland,

The committee on education, school and university lands, report

No. 77 A.

A bill for an act to incorporate the Brodhead Female Seminary, with amendment, and recommend its passage.

No. 27 A.

A bill for an act to establish public schools in the city of Hudson, without amendment, and recommend its passage.

J. SUTHERLAND, Chairman.

By Senator Pier.

The joint committee on claims, have had under consideration the account of J. R. Cowdry, and instruct me to report the same back to the Senate by bill, and recommend its passage.

E. PIER, Chairman.

By Senator Cook,

The select committee to whom was referred bill

No. 251 A.

A bill for an act to authorize the voters of Buffalo county to vote on the question of erecting county buildings, have had the same under consideration, and report with amendment, and recommend that it pass when so amended.

E. FOX COOK, Chairman.

By Senator Warren,

Committee on enrolled bills, report correctly engrossed, Bills No. 27, 100, and 127 S.

S. H. WARREN.

By Senator Smith,

The joint committee on enrolled bills have examined and found correctly enrolled,

No. 151 S.

An act to amend an act entitled An act to incorporate the Madison Gas Light and Coke Company, approved January 17th, 1855.

W. E. SMITH, Of Sen. Com.

W. C. WEBB,

Of Ass. Com.

February 17th, 1858.

Senator Maxon, on leave, introduced,
The account of Joseph Shantz, sheriff of Washington county, against the State.
Referred to committee on claims.

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed,

No. 283, A.,

A bill for an act to change the term of holding the spring term of the circuit court in the county of Waupaca.

No. 131, A.,

A bill for an act to extend the time for the payment of taxes, for the year 1857, and for other purposes.

And,

Joint Resolution,

No. 19, A.,

Resolution in relation to distributing of public documents to Hazel Green, Collegiate Institute.

In which the concurrence of the Senate is requested.

MR. PRESIDENT—

I am directed to present for your signature,

No. 219, A.,

An act to enable the city of Racine to levy a special tax to pay interest on the city bonds.

No. 51, A.,

An act to extend the time for the collection of taxes of School District No. 2, in the town of Richland, in the county of Richland.

No. 28, A.,

An act to amend an act fixing the time for holding the terms of the circuit court of Oconto county.

Which have been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly have assented

No. 78 A.

A bill for an act to incorporate the Milton Institute.

No. 65 A.

A bill for an act to authorize Thomas Douglas to construct a bridge across Black River, in the county of Douglas.

And,

No. 95 A.

A bill for an act to incorporate the village of Dodgeville.

And has concurred in the Senate amendment to

No. 74 A.

A bill for an act to amend an act entitled "An act to Incorporate the Burlington Union School District."

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 88 S.

A bill for an act to extend the time for collection of taxes in the city of Janesville.

And has passed

No. 268 A.

A bill for an act to extend the time for the payment of taxes in the towns of Janesville and Fulton, in the county of Rock.

And,

Joint Resolution

No. 23 A.

Authorizing the printing of the Statutes as reported by the revisors, and for other purposes.

In which the concurrence of the Senate is requested.

MR. PRESIDENT—

I am directed to present for your signature,

No. 151 S.

An act to amend an act entitled An act to incorporate the Madison Gas Light and Coke Company, approved January 17th, 1855.

Which has been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed.
Res. No. 83 A.

Resolved, That the Chief Clerk of the Assembly be, and is hereby instructed to request the Senate to return joint resolution No. 23 A., relating to the printing of the report of the revisors, to this house, for the further consideration of the Assembly.

ASSEMBLY BILLS

Read 1st and 2d times and referred.

No. 78, A.

An act to incorporate the Milton Institute.

To Committee on Education, School, and University Lands.

No. 65, A.

A bill for an act to authorize Thomas Douglass to construct a bridge across Black River, in the county of Jackson.

To Committee on Roads, Bridges and Ferries.

No. 95, A.

A bill for an act to incorporate the village of Dodgeville.

To Committee on Incorporations.

No. 283, A.

To Committee on the Judiciary.

No. 193, A.

To general file.

No. 268, A.

To Committee on Finance.

No. 131, A.

To Committee on Finance, with instructions to report tomorrow morning.

Joint resolution,

No. 23, A.

Ordered returned to the Assembly.

BILLS PASSED.

No. 100, S.

A bill for an act to legalize the proceedings of School Dis-

trict No. 1, in the town of Pepin, and to authorize the collection of a tax therein.

Read the third time,

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappel, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis. Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler, Worthington—24.

Title agreed to.

No. 67, A.,

A bill for an act to authorize Dane County to extend a loan.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappel, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Proudfit, Shulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler and Worthington—23.

Title agreed to.

No. 43, A.,

A bill for an act to amend chapter 505 of the laws of 1856, entitled an act to incorporate the Green Bay and Kewaunee Plank Road Company.

Read third time.

Passed.

And title agreed to.

No. 22, A.,

A bill for an act to repeal chapter 219 of the private and local laws of 1857.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Shulteis, Simpson, Smith, Sutherland, Tucker, Warren, Wheeler and Worthington—22.

Title agreed to.

No. 130, S.,

A bill for act to legalize the assessment and assessment roll of the town of Franklin, in Bad Axe county, for the year 1857.

Read third time.

Passed.

Title agreed to.

No. 127, S.,

A bill for an act to legalize the official acts of Lewis Hodges, a Justice of the Peace of the town of Rushford, in the county of Winnebago.

Read third time.

Passed.

And title agreed to.

No. 151, A.,

A bill for act to authorize the collection of taxes in the town of Ixona, and county of Jefferson.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Tucker, Warren, Wheeler, Worthington—21.

Title agreed to.

No. 32 A.

A bill for an act to appropriate to William A. Campbell the sum of money therein named.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler, Worthington—23.

Title agreed to.

On motion of Senator Worthington.

Rules suspended, and

Nos. 162 S, 251 A, and 163 S,

Taken up.

No. 162 S.

A bill for an act to extend the time for collecting taxes in the town of Eagle, in Waukesha county.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—25.

Title agreed to.

No. 163, S.,

A bill to appropriate to J. R. Coudrey the sum of money therein named.

Senator Tucker moved to amend,

By adding twenty-one dollars to the sum therein named.

Which was agreed to.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Shulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Wheeler and Worthington—24.

Title agreed to.

LAID ON THE TABLE.

No. 251 A.

A bill for an act to authorize the voters of Buffalo county to vote on the question of erecting county buildings.

The question being on the adoption of the amendment proposed by special committee.

Senator Pier moved to amend the amendment by striking out "Circuit Judge," and inserting "County Board of Supervisors."

Senator Virgin moved to lay the whole subject on the table.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Boyd, Davis, Giles, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—13.

Noes—Messrs. Bennett, Chappell, Clark, Cook, Greulich, Maxon, Mears, Proudfit, Shulteis, Simpson, Tucker—11.

The motion prevailed.

Senator Davis moved to reconsider the vote by which bill No. 283 A. was referred to committee on judiciary.

The motion prevailed.

No. 283 A., a bill for an act to change the time of holding the spring term of the circuit court in the county of Wau-paca.

Ordered to third reading.

On motion of Senator Wheeler,

Referred to committee on judiciary.

Senator Bennett introduced the following resolution:

Resolved, That when the Senate take a recess, it be to meet this afternoon at 3 o'clock.

Not agreed to.

Senator Worthington moved a reconsideration of the vote by which bill No. 131 A., a bill for an act to extend the time for the payment of taxes for the year 1857, and for other purposes.

Was referred to committee on finance.

The ayes and noes being demanded and ordered, were as follows:

Ayes—Messrs. Bennett, Boyd, Davis, Kingston, McClellan, Martin, Proudfit, Simpson, Smith, Sutherland, Warren, Wheeler, Worthington—13.

Noes—Messrs. Chase, Cook, Giles, Greulich, Maxon, Mears, Pier, Schulteis, Tucker, Virgin—10.

The motion prevailed.

Senator Bennett moved a suspension of the rules.

The ayes and noes being called for and had, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Kingston, McClellan, Martin, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Wheeler, Worthington—17.

Noes—Messrs. Chase, Cook, Giles, Greulich, Maxon, Mears, Schulteis, Virgin—8.

Rules suspended.

Senator Sutherland offered a substitute for No. 181 A.

Senator Giles moved that the whole subject be referred to the judiciary committee, with instructions to report a bill providing that when the real estate is a sufficient security for the taxes, such real estate shall be returned to the County Treasurer, and no personal property, shall be sold by the Town Treasurer when such real estate is sufficient security for the taxes.

Pending which.

On motion of Senator Virgin,

Senate adjourned until 7 o'clock this evening.

7 o'clock P. M.

Senate assembled.

Senator Giles President *pro tem* in the chair.

Roll of Senators called.

No quorum present.

Call of the Senate was had.

The absentees were Senators Chappell, Clark, Cook, Greulich, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith and Walsh.

The Sergeant-at-arms was dispatched for the absentees.

The Sergeant-at-arms, reported as present Messrs. Chappell, Kingston, Martin Maxon, Pier, Kimball, Proudfit, Schulteis, Simpson, Smith and Walsh.

On motion of Senator Tucker, further proceedings under the call were dispensed with.

SPECIAL ORDER.

Resolution No. 64 S.

Concerning the admission of Kansas under the Lecompton Constitution, with the substitute offered by Senator Bean.

The question being on the adoption of said substitute.

After considerable discussion,

Senator Simpson moved that the further consideration of the special order be postponed until to-morrow evening at seven o'clock.

Which was agreed to.

On motion of Senator Chase.

Senate adjourned.

SENATE CHAMBER,
February 18th, 10 o'clock A. M. }

Senate assembled.

Senator Giles, President *pro tem* in the chair.

Roll of Senators called,

Messrs. Boyd, Cook and Davis absent.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Maxon.

Petition of George C. Rossman and other stockholders in the La Crosse and Milwaukee Rail Road Co., asking for a law requiring all railroad corporations to make annual reports to the Secretary of State.

Also,

The petition of Peter Hilderbrant and others on the same subject.

To committee on railroads.

By Senator Martin.

Petition of Daniel Baxter,

Referred to committee on judiciary.

By Senator Pier.

Account of A. J. Sly.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Maxon.

No. 72 S.

Resolved, That the State Treasurer be and is hereby instructed to report to the Senate the amount of State tax received from the several counties the present year, and what amount has been paid by each county in gold and silver, also, what counties, if any, have failed to pay such tax and the amount due from such counties.

Rules suspended.

Resolution adopted.

By Senator Warren,

No. 73 S.

Resolved, That the committee on legislative expenditures ascertain and report to this Senate the amount of rent paid per week by the state to the city of Madison, for use of rooms in the City Hall.

By Senator Martin.

Joint Resolution.

No. 27 S.

Resolved by the Senate, the Assembly concurring, That the present session of the legislature shall terminate on Monday, the 15th day of March next, at 12 o'clock noon.

RESOLUTIONS TAKEN UP.

No. 71 S.

Resolved, That the committee on printing examine the pamphlet entitled "Senate Manual," specimens of which were laid on Senators desks this morning, with reference to the manner in which that pamphlet is printed, and report at their earliest convenience, as to whether the Senate is compelled to take the same from the printer, and whether the state is liable to pay for such printing.

On motion of Senator Chase,

Laid on the table.

Joint Resolution.

No. 19 A.

Resolution in relation to distributing of public documents to Hazel Green Collegiate Institute.

Concurred in by the Senate.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Walsh.

No. 166 S.

A bill to incorporate the Milwaukee Emigrant Savings Bank.

To committee on banks and banking.

By Senator Cook.

No. 167 S.

A bill for an act entitled an act requiring the Governor to perform certain duties therein specified.

To committee on contingent expenditures.

By Senator Mears.

No. 168 S.

A bill for an act to authorize the laying out a State road therein named.

To committee on roads, bridges and ferries.

COMMITTEE REPORTS.

Submitted by Senator Chase.

The judiciary committee report back bills Nos. 149 A., for the collection of taxes in joint school district No. 9, of the towns of Beaver Dam and Lowell. 54 S., to legalize the assessment roll, La Crosse. 74, A., for extending the time for presenting and proving claims against estate of William D. Bruen. 153 S., to amend section 1, chapter 264, local laws, 1857, An act to incorporate the village of Waupacca. 164 S., to legalize acts of the assessor of the town of Beloit.

And recommend their passage.

Also,

Bills Nos. 84 S., to change the name of Geo. E. Hoskinson. 87 S., to change the name of Samuel C. Reed, and establish his heirship. 124 S., to change the name of Robert H. Ward, and establish his heirship. 125 S., to change the name of R. D. Byron, and establish his heirship. 143 S., to establish heirship of Anna MacCleman. 231 A., to change the name of Susan Glynn.

And recommend their indefinite postponement.

C. S. CHASE.

Chairman.

By Senator Bennett.

The standing committee on finance report back,
Assembly bill, No. 268,

Extending the time for the payment of taxes in the towns of Janesville and Fulton, in the county of Rock.

And recommend its passage.

BENNETT,

Chairman.

By Senator Wheeler,

The committee on railroads, to whom was referred,
No. 116, S.,

A bill to amend an act, entitled "an act to incorporate the Fox River Valley Rail Road Company," approved March 29, 1853, have considered the same, and have instructed me to report it back with amendment, and as amended, to recommend its passage.

E. WHEELER,

Chairman.

By Senator Pier,

The joint committee on claims, to whom was referred the petition of John H. Compton, to have certain monies refunded to him, have had the same under consideration, and report the same back to the Senate, with the recommendation that the prayer of the petitioner be not granted.

Also,

The account of Andrew Bishop, for traveling fees and expenses in serving requisition of the Governor, and report a bill appropriating to A. Bishop the sum of \$436,00.

They also report back,

Bill, No. 103, Senate, without amendment, and recommend its passage.

E. PIER,

Chairman.

No. 169, S.,

A bill for an act to appropriate to Andrew Bishop the sum of money therein named.

Read first and second times,

And referred to general file.

Recommendation of committee concerning petition of John H. Compton,

Concurred in.

By Senator Bennett,

The standing committee on finance, to whom were referred, Senate bill, No. 102, entitled an act to protect the people against the money power, by limiting the rate of interest, report back said bill, with amendments, and when so amended, recommend its passage.

A. J. BENNETT,

Chairman.

By Senator Warren,

Committee on engrossed bills, report correctly engrossed, Bill, No. 91, S., and bill, No. 92, S.,

WARREN.

By Senator Bennett,

The standing committee on finance, report back Senate bill, No. 99; and, as another bill, on the same subject, has been reported favorably, the committee recommend the indefinite postponement of this bill.

A. J. BENNETT,

Chairman.

BILLS PASSED.

On motion of Senator Bennett,
The rules suspended.

And

No. 164, S.

A bill to legalize the acts of the assessor of the town of Be-
loit, in Rock county for the year 1857.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

Senator Sutherland moved that the rules be suspended for
the purpose of considering bill

No. 268 A.

A bill for an act to extend the time for the payment of taxes
in the towns of Janesville and Fulton, in Rock county.

Which was agreed to.

Senator Sutherland offered as a substitute,

A bill for the relief of the tax payers of the towns of
Janesville and Fulton, in Rock county.

The substitute was adopted.

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Da-
vis, Greulich, Hanchett, Joiner, Kimball, Kingston, McClel-
lan, Martin, Mears, Schulteis, Smith, Sutherland, Warren,
Walsh, Wheeler, Worthington—21.

Noes—Messrs. Cook, Giles, Maxon, Pier, Tucker, Virgin,
—6.

Title amended and agreed to.

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 43 S.

A bill for an act to amend, chapter 62 of the private and local laws of Wisconsin, for the year 1855, entitled an act to authorize the board of supervisors of Winnebago county, to issue bonds for the purposes therein named.

And has directed me to return

No. 49 S.

A bill to amend section 17, of chapter 299, of private and local laws of 1855; for correction in the title thereof.

And has concurred in the passage of

No. 146 S.

A bill for an act to appropriate to Edward M. McGraw, State Prison Commissioner, the sum of money therein named, with an amendment, in which the concurrence of the Senate is requested.

And has passed

No. 97 A.

A bill for an act to incorporate the village of Monroe. In which the concurrence of the Senate is requested.

No. 49 S.

Title amended.

No. 146 S.

Amendment of Assembly not concurred in.

No. 97 A.

Referred to committee on incorporations.

Leave of absence was granted for one week to Senator Tucker.

SPECIAL ORDER.

On motion of Senator Bennett,

Senate went into

COMMITTEE OF THE WHOLE

For the purpose of considering

No. 47 S.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein,
Committee rose and reported progress.

And,

Asked leave to sit again.

Which was granted.

Senator Bean on leave introduced,

No. 170 S.

A bill for an act to extend the time for the collection of taxes in the county of Jefferson.

Which was read the first and second times.

Senator Bean moved a suspension of the rules for the purpose of considering said bill.

The ayes and noes being called for and ordered,

Were as follows:

Ayes—Messrs. Bean, Bennett, Chappell, Chase, Cook, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Mears, Pier, Smith, Sutherland, Warren, Walsh, Wheeler and Worthington—20.

Noes—Messrs. Boyd, Giles, Maxon, Shulteis, Virgin—5.

Rules suspended.

Senator Martin offered an amendment.

Pending which,

Senator Greulich moved to adjourn until half past 2 o'clock P. M.

On motion of Senator Kimball,

Senate adjourned until 7 o'clock this evening.

7 o'clock, P. M.

Senate assembled.

Senator Giles, President *pro tem.*, in the Chair.

There being no quorum present,

A call of the Senate was ordered by the President.

Senators Boyd, Chappell, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin Maxon, Proudfit, Schulteis, Smith, Virgin, Walsh and Wheeler, were found absent.

The Sergeant-at-Arms was dispatched for the absentees.

Senators Boyd, Chappell, Hanchett, Kimball, Kingston, Joiner, Martin, Maxon, Proudfit, Schulteis, Smith Virgin and Walsh coming in, and,

There being a quorum present,

Further proceedings under the call were dispensed with,

And the Senate proceeded to the consideration of the

SPECIAL ORDER

to adjourn at 7 o'clock
of the evening.

Resolution No. 64 S.

Concerning the admission of Kansas under the Lecompton Constitution, with the amendment offered by Senator Bean.

The question being on the adoption of said substitute.

Senator Bean moved,

That in the further discussion of this question, no member shall be allowed to speak more than forty-five minutes.

Senator Bennett moved to amend by striking out "45" and inserting "30."

The amendment was lost.

The question being on the adoption of the motion,

The ayes and noes were called for and ordered, and were as follows:

Ayes—Messrs. Bean, Davis, Giles, Joiner, McClellan, Smith, Sutherland, Warren, Worthington—9.

Noes—Messrs. Bennett, Chappell, Chase, Cook, Maxon, Mears, Pier, Schulteis, Simpson, Walsh—10.

Not agreed to.

The question being on the adoption of the amendment offered by Senator Bean.

Strike out all after "Resolved," and insert,

Resolved by the Senate, the Assembly concurring, That slavery is a most flagrant violation of the inalienable rights of mankind, and exists only by the power and force of might over right; it cannot therefore be established and maintained in any national territory without violating the spirit and letter of the constitution of the United States.

Resolved, That the extra judicial opinion expressed in the "Dred Scott decision," is in palpable violation of the provisions of the Constitution of the United States, and subversive of the rights of the states and of civil liberty.

Resolved, That the Lecompton Constitution is a gross and infamous fraud, conceived in the councils of tyranny—recognised only by the spirit of Despotism, advocated only by villainy—pressed upon the people only by the hand of unrelenting power, and designed to subvert the inherent rights of the people of Kansas.

Resolved, That the Governor of this State be and he is hereby authorized to forward a copy of the foregoing resolutions to the President of the United States, and to each of Senators and Representatives in Congress.

The ayes and noes being called for and ordered.

And were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—18.

Noes—Messrs. Chappell, Cook, Martin, Maxon, Mears, Proudfit and Shulteis—7.

The amendment was adopted.

Senator Proudfit moved a call of the Senate.

Which being had,

Senators Greulich and Walsh were found absent.

Leave of absence was granted to Senator Greulich.

On motion of Senator Bean,

Further proceedings under the call were dispensed with.

The question being upon the adoption of the resolution, as amended.

And the ayes and noes being demanded and had,

Were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—18.

Noes—Messrs. Chappell, Cook, Martin, Maxon, Mears, Proudfit, Shulteis and Simpson—8.

The resolution was adopted.

SPECIAL ORDER.

Protest against admission of Kansas under the Lecompton Constitution.

Senator Wheeler offered the following amendment :

Strike out last clause in protest and insert, in lieu thereof :

Therefore, As a sovereign State, and a member of the confederacy of States, having a right to be heard in the councils of the nation, the State of Wisconsin does hereby, most earnestly and emphatically, *protest* against the admission of Kansas into the Union under the Constitution, framed at Lecompton, in that Territory, in November, 1857, and commonly known as the "Lecompton Constitution."

On the adoption of the amendment,

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellen, Pier, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—18.

Noes—Messrs. Chappell, Cook, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson—8.

The amendment was adopted.

Senator Cook moved the previous question.

The motion prevailed.

The question being,

"Shall the main question be put?"

Which being decided in the affirmative,

The question occurred upon the adoption of the protest as amended.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—17.

Noes—Messrs. Chappell, Cook, Maxon, Mears, Proudfit, Shulteis, Simpson—7.

The protest was adopted.

On motion of Senator Maxon,

Senate adjourned.

SENATE CHAMBER,
February 19th, 10 o'clock, A. M. }

Senate assembled.

Senator Giles, president *pro tem.* in the chair.

Roll of Senators called:

Messrs. Cook, Hanchett, Kimball, Martin, Maxon, Proudfit, Walsh and Wheeler absent.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Mears.

Petition from citizens of Town 24, R. 4 west, Clark county.

To Committee on Town and County Organizations.

RESOLUTIONS INTRODUCED.

By Senator Cook.

Resolved, That the Post Master for the Senate, be required to procure, at the expense of the State, \$6 worth of three cent postage stamps, for each member of the Senate, and to obtain and distribute the same at as early an hour as possible.

By Senator Simpson.

No. 74, S.

Resolved, That the Committee on State Affairs be, and they are hereby requested, to inquire into the expediency of purchasing the Library and Cabinet of J. G. Percival, deceased, late State Geologists, and to report upon what terms and conditions the same can be obtained.

RESOLUTIONS TAKEN UP.

No. 73 S.

Resolved, That the committee on legislative expenditures ascertain and report to this Senate the amount of rent paid per week by the state to the city of Madison, for use of rooms in the City Hall.

Adopted.

Joint Resolution.

No. 27 S.

Resolved by the Senate the Assembly, concurring, That the present session of the legislature shall terminate on Monday, the 15th day of March next, at 12 o'clock noon.

Senator Bennett moved to lay on the table,

Not agreed to.

Senator Davis moved to postpone indefinitely.

The motion prevailed.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Mears.

No. 171 S.

A bill for an act to authorize the laying out of a State road therein named.

To committee on roads, bridges, and ferries.

By Senator Pier.

No. 172 S.

A bill to confer additional powers on the County Superintendents of the poor.

To committee on town and county organization.

By Senator Pier.

No. 173 S.

A bill for an act to appropriate to A. L. Sly the sum of \$407 50.

To general file.

On motion of Senator Joiner.

No. 108 S.

A bill to establish an agricultural college.

Taken from table,

And placed on general file.

On motion of Senator Kingston,

No. 61 A.

A bill concerning the county seat of Adams county.

Taken from table, and

Placed on general file.

COMMITTEE REPORTS.

Submitted by

Senator Davis.

The committee on state affairs, to whom was referred Assembly bills No. 114, 116, 117, 152, 157 and 188, have had the same under consideration, and being satisfied that the same have not been paid, would recommend their passage.

M. M. DAVIS,

Chairman.

By Senator Sutherland,

The committee on education, school and university lands to which was referred.

No. 78 A.

A bill for an act to incorporate the Milton Institute.

Report the same, with amendment and recommend its passage.

J. SUTHERLAND,

Chairman.

By Senator Chase,

The judiciary committee report back bills No. 90 S., to amend chapter 116 of the revised statutes. 22 S., for the relief of tax payers. 55 S., to extend the power of the county boards of supervisors. 96 S., to provide for the more effectual punishment of certain offences. 106 S., to fix the fees for the publication of legal notices, and recommend that they be referred to the joint committee on revision.

CHASE,

Chairman.

By Senator Pier,

The joint committee on claims, to whom was referred,

No. 137, S.,

To appropriate to Mossin & Marr the sum of money therein named,

Have had the same under consideration and have directed me to report the same back with an amendment, and when so amended to recommend the passage of the bill.

Also,

The account of A. L. Slye.

And have directed me to report bill, No. —, S., to appropriate to A. L. Slye the sum of \$407,50.

Also,

The account of John Stumpp, for recording list of swamp lands and recommend that the sum be disallowed.

Also,

The account of Wm. F. Cramer, for newspapers furnished members of Legislature, at the extra session of 1853, and recommend that the said account be disallowed.

E. PIER,

Chairman.

Report of committee concerning account of W. E. Cramer,
Concurred in.

Account of John Stumpp,

On motion of Senator Hanchett,

Laid on the table.

By Senator Smith,

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled:

No. 6, S.,

An act to appropriate to T. N. Bovee the sum of sixty-one dollars and ninety-five cents,

No. 10, S.,

An act to prevent obstructions on the Wisconsin river.

No. 14, S.,

An act to legalize certain roads therein named, and declaring the same to be state roads.

No. 36, S.,

An act to change the time for holding the Fall term of the Circuit Court of Calumet County.

No. 37, S.,

An act to incorporate the Norwegian Lutheran Synod of the State of Wisconsin.

No. 43, S.,

An act to amend chapter 62 of the private and local laws of Wisconsin for the year 1855, entitled an act to authorize the Board of Supervisors of Winnebago County to issue bonds for the purposes therein named.

No. 39, S.,

An act to appoint commissioners to lay out a state road therein named.

No. 62, S.,

An act to appropriate to T. A. H. Edwards, Sheriff of Manitowoc County, the sum of one hundred and fifty dollars.

No. 63, S.,

An act to appropriate to Herman L. Page, Sheriff of Milwaukee County, the sum of eleven hundred and thirty-seven dollars and fifty cents.

No. 88, S.,

An act to extend the time for the collection of taxes in the city of Janesville.

No. 141, S.,

An act to authorize the Judge of the Sixth Judicial Circuit to appoint a place for holding the circuit court in the county of Buffalo.

No. 67, A.,

An act to amend and extend the provisions of chapter 162 of the session laws of 1853, entitled an act to authorize Dane County to borrow money, approved March 31st, 1853.

No. 74, A.,

An act to amend an act, entitled an act to incorporate the Burlington Union School District.

No. 85, A.,

An act to appropriate to Edward Ranklin, Sheriff of Jefferson County, the sum of twenty-five dollars.

No. 46, A.,

An act to lay out a state road from Fancy Creek, Richland County, to Readstown, in Bad Axe County.

No. 227, A.,

An act to authorize the collection of a delinquent school tax, in the town of Dellona, in the County of Sauk.

No. 119, A.,

An act to appropriate to Clason & Huntsman the sum of twenty-one dollars and sixty cents.

Also, the following memorial:

No. 62, A.,

A memorial to the Honorable Post Master General of the United States.

W. E. SMITH,

Ch'n Senate Com.

W. C. WEBB,

Ch'n Assembly Com.

Feb. 19, 1858.

On motion of Senator Martin,

Rules suspended,

And,

No. 131, A.

A bill for an act so extend the time for the payment of taxes, for the year 1857, and for other purposes,

Taken from general file and considered.

Senator Martin moved to amend 4th and 9th lines of section two, by striking out "June," and inserting "May."

Upon the adoption of the amendment, the ayes and noes were called for and ordered, and were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—20.

Noes—Messrs. Maxon, Mears, Pier, Schulteis, Simpson—5.

The amendment was adopted.

Also,

Amend the same section by adding thereto the following proviso:

“Provided further, that the town treasurer shall, at the end of each thirty days after the passage of this act, return and pay over to the county treasurer, all momeys which they may have collected prior to making such returns.”

Adopted.

The following amendments were offered in their order to section 13 of said bill.

By Senator Kingston.

Amend by adding after the word “Sauk,” the following: “Except the town of Merrimac in Sauk county.”

Adopted.

By Senator Smith.

Insert after “Dodge,” “excepting the towns of Theresa, Lomira, and LeRoy.”

• Adopted.

By Senator Bean.

By striking out “the town of Palmyra.”

Agreed to.

By Senator Greulich,

Strike out “city of Milwaukee,” and insert “this act shall apply to the city of Milwaukee, as far as it relates to county taxes in said city.”

Adopted.

By Senator Sutherland.

Amend so as to except “the city of Janesville in the county of Rock.”

Agreed to.

By Senator Walsh.

Insert after the word Milwaukee, “and except the towns of Franklin, Greenfield, Oak Creek, Lake Wauwatosa, Granville and Milwaukee in the county of Milwaukee.”

- Senator Joiner moved to amend the amendment of Senator Walsh by adding, "and all other towns and cities in the State of Wisconsin."

The question being on the adoption of the amendment to the amendment,

And the ayes and noes being demanded and ordered,

Were as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Cook, Giles, Joiner Kimball, McClellan, Mears, Shulteis, Sutherland, Virgin, Worthington—13.

Noes—Messrs. Bean, Chase, Davis, Hanchett, Kingston, Martin, Maxon, Simpson, Smith, Walsh—10.

The motion prevailed.

The question occurring upon the adoption of the amendment of Senator Walsh as amended.

The ayes and noes were called for.

Pending which,

Senator Virgin moved that the consideration of the whole subject be indefinitely postponed.

Senator Kimball moved a call of the Senate.

A call was had

The absentees were,

Senators Proudfit, Warren and Wheeler.

There being a quorum present,

On motion of Senator Bennett,

Further proceedings under the call were dispensed with.

The question being upon the adoption of the motion of Senator Virgin.

The motion prevailed.

The ayes and noes being as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Cook, Giles, Grenlich, Joiner, Kimball, McClellan, Maxon, Pier, Schulteis, Simpson, Virgin, Walsh, Worthington—16.

Noes—Messrs. Bean, Chase, Davis, Hanchett, Kingston, Martin, Smith, Sutherland—8.

Indefinitely postponed.

ORDERED ENGROSSED FOR A THIRD READING.

Senator McClellan moved to suspend the rules in order that

No. 116 S.

A bill for an act entitled an act to incorporate the Fox River Valley Railroad Company,

May be taken from the general file and considered.

The motion prevailed.

Amendments of committee concurred in.

Ordered engrossed for third reading.

Senator Pier asked leave of absence for three days.

Which was granted.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

EXECUTIVE OFFICE, }
Madison, Feb. 17, 1858. }

TO THE HON. THE SENATE:—

I have received from Mr. E. Carr and Mr. James Hall, appointed by the law of 1857, with Mr. Edward Daniels, to make a Geological Survey of this State, a communication on the subject of that Survey, and giving their reasons for not forming in organizing the commission contemplated by that law. In further answer to the resolution of the Senate, calling on me for information on that subject, I deem it proper to transmit the same herewith, for your consideration.

ALEX. W. RANDALL.

To His Excellency, Hon. Alexander W. Randall, Governor of Wisconsin:

The undersigned members of the commission appointed by the law, approved March 3d, 1857, to make a Geological and Agricultural survey of the State, beg leave to present to your Excellency the following statement as an explanation of the reasons why they have not been actively engaged in performing the duties required by the said act.

After the passage of the bill authorizing a Geological and Agricultural survey of the State, Mr. Daniels assumed such a position towards it that Mr. Hall and myself believed we

could not honorably or usefully be connected with it, unless the contracts clearly and definitely fixed the nature and extent of the service to be rendered by each, in accordance with the third section of the act. We wished that the work of the survey, which each one was to perform, and the amount of the appropriation which each one might use in accordance with the provisions of the act to accomplish the same, should be determined by the contracts. We insisted that each one should be limited to an equitable proportion of the appropriation, (\$2000 per year,) and that if more than this was expended in any department it should be a matter of mutual agreement. This was the difference between Mr. Daniels and the other members of the commission, he insisting that the survey was chiefly instituted for his benefit, and that the control and management of the same rightfully belonged to him. He was unwilling to be *limited* in his contract in the use of the appropriation.

Mr. Hall came to Madison on the 1st of May, at the suggestion of the Governor and other members of the commission to make the arrangements and contracts necessary to carry them out, Mr. Daniels having written from Kansas that he would be present on that date. Mr. D. did not appear, and the conference between the Governor, Mr. Hall and myself resulted in agreeing upon the above as a basis of the contract. The division of the work of the survey, was also agreed upon, and was essentially the same as was afterwards embodied in the contracts drawn June 19th. This division of labor was based upon an equitable division of the funds; that each one should have the means of working out in accordance with the provisions of the act, that portion of the survey which he was made responsible for. No contracts were entered into at the time, as it was desired that Mr. Daniels should first be consulted.

Mr. Daniels, on his return, objected to the above basis, for the reasons already stated, and steadily refused his assent until the 19th day of June, when he came to me and professed

his cordial assent, desiring me to go with him to the Governor's office and have the contracts executed. The Governor expressed his satisfaction at the result, and called in Mr. J. C. Hopkins to draw up the contracts, to whom we stated the division of labor, and the limitation in the use of the funds agreed upon. Attention was particularly directed to this latter point, as it was understood that this was the point of difference which had prevented the commission from being organized at an earlier date. When I called at the office of Mr. Hopkins the next morning, I found the contracts were drawn up without the limitations, and what was still more surprising, Mr. Daniels, without consulting any other member of the commission, had caused his own to be executed and taken it away with him. The Governor had signed them on the previous evening, and left town. I at once protested to Mr. Daniels against the whole proceeding, as contrary to the express agreement of the commission to which he had just assented. As he persisted in retaining his contract, neither Mr. Hall or myself have had any thing further to do with the matter, believing the proceedings to have been illegal.

It is true that the division of labor as specified in the contract drawn by Mr. Hopkins is essentially the same as agreed upon (see Senate journal of January 29th,) *but it is equally true that this division was based upon a condition wholly ignored in the contracts.*

The contracts as drawn, and under which Mr. Daniels has since the 19th of June drawn about \$2000 from the State treasury, I believe to be not in accordance with the provisions of the act, because,

1st. They do not accord with the second section, which requires that the functions of the survey shall be distributed by mutual agreement, and that such assistants shall be employed, as a *majority* of the commission shall deem necessary.

2d. Mr. Daniels' contract allows him, in addition to his salary, which is fixed by law, at the rate of \$2,000 per annum,

for the time spent in the service of the State, all expenses incurred by him in the prosecution of the same, including expenses of Assistant. (See contract in Senate Journal of Jan. 29th). It is easy to see that under the head of expenses in Mr. Daniels' contract he might, so far as any limit is concerned, use up the greater part of, or even the entire appropriation. This contract is in violation of the second section of the act, which requires that the assistants employed shall be such as a *majority* of the commission shall decide upon; and of the third section, which requires that the contract shall determine, not only the *nature*, but the *extent* of the compensation, and the expenses of the department of the survey under the charge of each commissioner. There are no limitations in Mr. Daniels' contract of the amount of the appropriation which he may use as a part of his "necessary expenses," while the act expressly stipulates that the contracts shall set forth the extent of the expenses made by each commissioner.

It is but justice to the majority of the commission to say that they have been ready ever since the passage of the act to organize the commission and take contracts in accordance with its plainly expressed provisions, and that they have declined to take the contracts as drawn, because they believed them not in accordance with the provisions of the act, and also for the reason that if Mr. Daniels, or any other member of the commission, was thus allowed an unlimited use of the funds, they could not with any security enter upon any plan of operations creditable to themselves or the state.

Respectfully yours,

E. S. CARR.

The foregoing statement signed by Professor Carr, I certify to be correct so far as my own action and views are concerned, and the events of which I have any personal knowledge. The agreement of a majority of the commission with the Governor as to the basis of the contracts to be drawn, as set forth in the preceeding statement, has been entirely disregarded, and I have always maintained that the course pursued in the exe-

cution of the same, is not in accordance with the intent of the law, and is therefore illegal.

I am very respectfully,

Your obedient servant,

JAMES HALL.

Madison, February 16th, 1858.

Referred to committee on state affairs.

EXECUTIVE DEPARTMENT, }
Madison, February 19, 1858. }

TO THE SENATE—

The following entitled acts, originating in the Senate, have severally received the approval of the Executive, and have been deposited in the office of the Secretary of State:

151. To amend an act entitled "An act to incorporate the Madison Gas Light and Coke Company," approved January 17th, 1855.

85. To amend an act entitled "An act to incorporate the city of Berlin," approved March 6th 1857.

ALEX. W. RANDALL.

SPECIAL ORDER.

Senate resolved itself into

COMMITTEE OF THE WHOLE,

on No. 47 S.

A bill to amend chapter 15 of the Revised Statutes in relation to the assessment and valuation of taxes.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein,

Committee rose and reported progress,

And,

Asked leave to sit again.

Which was granted.

BILLS PASSED.

Senator Martin on leave introduced,

No. 174 S.

A bill for an act to extend the time for the collection of

taxes for the year 1857, in the counties of Oconto, Door, Brown and Kewaunee.

Read first and second times.

On motion of Senator Martin,

Rules suspended, and

Bill put upon its passage.

Senator Maxon moved to adjourn.

Senate refused to adjourn.

Senator McClellan moved to amend by inserting "Shawano."

Which was agreed to.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Chappell, Davis, Giles, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—21.

Noes—Messrs. Boyd, Joiner, Maxon, Virgin—4.

Title agreed to.

Senator Bean moved suspension of the rules for the purpose of considering

No. 170 S.

A bill for an act to extend the time for the collection of taxes in the county of Jefferson.

The motion prevailed.

The question being on ordering the bill to a third reading, and the ayes and noes being called for and taken, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Cook, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Smith, Warren, Walsh, Wheeler, Worthington—18.

Noes—Messrs. Giles, Joiner, Maxon, Schulteis, Virgin—5.

Ordered to a third reading.

Read a third time.

The question being on the passage.

And the ayes and noes being demaneed and ordered.

Were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Smith, Warren Walsh, Wheeler and Worthington—18.

Noes—Messrs. Giles, Joiner, Maxon, Shulteis and Virgin—5.

Passed.

Title agreed to.

On motion of Senator Wheeler,

Senate adjourned.

SENATE CHAMBER,

Feb. 20, 10 o'clock, A. M.

Senate met pursuant to adjournment.

Senator Giles, President pro tem., in the chair.

Prayer by the Rev. Mr. Brooks.

Roll of Senators called.

Messrs. Bean, Chase, Clark, Cook, Davis, Kingston, Martin, Maxon, Smith and Walsh absent.

Journal of yesterday read and approved.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bennett.

No 175 S.

A bill legalizing the official acts of B. E. Hale, superintendent of schools for the city of Beloit.

To committee on judiciary.

By Senator Hanchett.

No. 176 S.

An act to authorize garnishee suits in Justice courts in certain cases.

To committee on judiciary.

By Senator Mears.

No. 177 S.

A bill for an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa and Eau Clair.

On motion of Senator Mears,

Rules suspended.

Bill ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Greulich, Hanchett, Kimball, McClellan, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Warren, Worthington—15.

Noes—Messrs. Giles, Joiner, Virgin—3.

Title agreed to.

By Senator Sutherland.

No. 178, S.

A bill for an act to incorporate the Janesville Savings Institution.

To Committee on Banks and Banking.

RESOLUTIONS TAKEN UP.

By Senator Cook.

Resolved, That the Post Master for the Senate, be required to procure, at the expense of the State, \$6 worth of three cent postage stamps, for each member of the Senate, and to obtain and distribute the same at as early an hour as possible.

Senator Hanchett offered the following amendment:

Amend by inserting after the words "for each member of the Senate," the following: "also for the Chief Clerk and his assistant, the Sergeant-at-arms and his assistant, the Post Master and his assistant."

Senator Virgin moved to indefinitely postpone.

Senate refused to postpone.

The amendment was adopted.

Upon the adoption of the resolution as amended, the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Chappell, Greulich, Hanchett, Kimball, Mears, Proudfit, Schulteis, Simpson, Smith, Wheeler, Worthington—11.

Noes—Messrs. Bennett, Boyd, Giles, Joiner, McClellan, Martin, Sutherland, Virgin, Warren—9.

Adopted as amended.

No. 74. S.

Resolved, That the committee on state affairs be, and they are hereby requested, to inquire into the expediency of purchasing the Library and Cabinet of J. G. Percival, deceased, late State Geologists, and report upon what terms and conditions the same can be obtained.

Adopted.

Senator Simpson submitted the following

REPORT:

The committee on roads, bridges, and ferries, to which was referred

No. 13 A.

A bill for an act to charter a ferry across St. Croix river and Lake, from Prescott, Wisconsin, to Point Douglass, in Minnesota.

No. 70 A.

A bill for an act to authorize Joseph Scales and Edward Crain to keep and maintain a ferry across the Mississippi river.

No. 60 A.

A bill for an act granting the right to Fortes S. Richards to keep and maintain a ferry across the Mississippi river at the foot of Lake Pepin.

No. 104 A.

A bill for an act to lay out a state road from Fremont, in Waupaca county, to Stevens' Point, in Portage county.

Report the same back without amendment, and recommend their passage.

P. B. SIMPSON,
Chairman.

Senator Cook gave the following

NOTICE.

That I will at some future day, ask leave to introduce a Bill for an act making it Felony in the officers of any Banking Association or other corporation, or any private banker or broker who shall fail to pay on demand, any money deposited with such association, corporation, banker or broker, in trust for the owner, or party entitled.

BILLS PASSED.

No. 91; S. 100. A bill to amend an act to incorporate the

A bill to amend an act entitled, "an act to incorporate the Green Bay, Depere and Madison Railroad Company," approved March 17th, 1853.

Read third time.

Passed.

Title agreed to.

No. 92 S.

A bill for an act to legalize certain taxes therein named.

Read third time.

Passed.

Title agreed to.

Senator Kimball moved to adjourn until Monday four o'clock P. M.,

Senate refused to adjourn.

On motion,

Rules suspended,

And, first presented at table

Bills No. 79 A, and 142 S.,

Taken from general file.

No. 79 A.

A bill for an act to extend the time for presenting and proving claims against estate of W. D. Bruen, deceased.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Giles, Greulich, Hanchett,

Joiner, Kimball, McClellan, Mears, Proudfit, Schulteis, Simpson, [Smith, Sutherland, Warren, Wheeler and Worthington—12.

Noes—Messrs. Chappell, Martin, Virgin—3.

Title agreed to.

No. 142 S.

A bill to amend an act entitled An act to incorporate the fire department of the city of Janesville, approved March 5th, 1857.

Senator Sutherland offered the following amendment.

Amend section 3, by adding to said section as follows:

Provided, however that the money belonging to the said fire department shall be applied so far as necessary towards liquidating any legal or just claims against the department contracted by its first board of officers.

Which was agreed.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On No. 6 S.

A bill to incorporate Kilbourn University.]

After some time spent therein,

Committee rose and reported back

No. 6 S.

With recommended passage.

Ordered engrossed for a third reading.

Senator Worthington moved to reconsider the action of the Senate in concurring in the report of the committee on the account of Wm. E. Cramer.

The motion prevailed.

Account re-referred to committee on claims.

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed,

No. 311 A.

A bill for an act to extend the time for the collection of taxes in the counties of St. Croix and Brown.

No. 312 A.

A bill for an act to extend the time for the collection of taxes, in the towns of Centre, Kendall, Willow Springs, Fayette, Argyle, Wiota, Wayne and Gratiot, in the county of La Fayette.

No. 298 A.

A bill for an act to extend the time for the collection of taxes in the town of Merrimac, Sauk county.

No. 138 A.

A bill for an act to incorporate the literary association of Prairie du Chien.

And,

No. 268 A.

A bill for an act for the relief of tax payers in the towns of Janesville and Fulton, in the county of Rock.

In which the concurrence of the Senate is requested.

And has concurred in the passage of

No. 100 S.

A bill for an act to legalize the proceedings of school district No. 1, in town of Pepin, and to authorize the collection of a tax therein.

Memorial No. 13 S.

Memorial to Congress for the establishment of a mail route from Shullsburg, in La Fayette county, to Apple River Station, in the county of Jo Davies, in the State of Illinois.

With an amendment to the title, in which the concurrence of the Senate is requested.

The Assembly has concurred in the Senate amendments to the body and the title of

No. 268 A.

A bill for an act to extend the time for the payment of taxes in the towns of Janesville and Fulton, in the county of Rock.

And has concurred in the passage of
No. 162 S.

An act to extend the time for collecting taxes in the town of Eagle, in the county of Waukesha.

Without amendment.

And,

No. 163 S.

A bill for an act to appropriate to J. R. Cowdry, the sum of money therein named, \$4,50.

With amendments.

In which the concurrence of the Senate is requested.

And insists on its amendment to

No. 146 S.

A bill for an act to appropriate to Edward M. McGraw, State Prison Commissioner, the sum of money therein named.

MR. PRESIDENT:

I am directed to present to you, for your signature, the following bills, which have been signed by the Speaker:

No. 10, S.

An act to prevent obstructions on the Wisconsin river.

No. 14, S.

An act to legalize certain roads therein named, and declaring the same to be State roads.

No. 36, S.

An act to change the time for holding the fall term of the Circuit Court of Calumet county.

No. 39, S.

An act to appoint Commissioners to lay out a State road therein named.

No 37, S.

An act to incorporate the Norwegian Evangelical Lutheran Synod, of the State of Wisconsin.

No. 43, S.

An act to amend chapter 62, of the private and local laws of Wisconsin, for the year 1855, entitled, "an act to authorize the Board of Supervisors of Winnebago county to issue bonds for the purpose therein named."

No. 61, S.

An act to appropriate to T. N. Bovee, the sum of sixty-one dollars and ninety-five cents.

No. 62, S.

An act to appropriate to T. A. H. Edwards, sheriff of Manitowoc county, the sum of one hundred and fifty dollars.

No. 63, S.

An act to appropriate to Herman L. Page, sheriff of Milwaukee county, the sum of eleven hundred and thirty-seven dollars and fifty cents.

No. 88, S.

An act to extend the time for the collection of taxes in the city of Janesville.

No. 141, S.

An act to authorize the judge of the 6th judicial circuit to appoint a place for holding the circuit court in the county of Buffalo.

No. 46 A.

An act to lay out a state road from Fancy Creek, in Richland county, to Readstown, in Bad Ax county.

No. 67 A.

An act to amend and extend the provisions of chapter 162, of the session laws of 1853, entitled "an act to authorize Dane county to borrow money," approved March 31, 1853.

No. 74 A.

An act to amend an act entitled an act to incorporate the Burlington union school district.

No. 85 A.

An act to appropriate to Edward Rankin, sheriff of Jefferson county, the sum of twenty-five dollars.

No. 119 A.

An act to appropriate to Clason & Huntsman, the sum of twenty-one dollars and sixty cents.

No. 227 A.

An act to authorize the collection of a delinquent school tax in the town of Dellona, in the county of Sauk.

And,

Memorial No. 62 A.

A memorial to the Honorable Postmaster General of the United States.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the Senate amendments to

No. 311 A.

A bill for an act to extend the time for the collection of taxes in the counties of St. Croix and Brown.

And has concurred in the passage of

No. 174 S.

A bill for an act to extend the time for the collection of taxes for the year 1857, in the counties of Oconto, Door, Brown, Kewaunee and Shawano.

With an amendment in which the concurrence of the Senate is requested.

Rules suspended.

Message taken up.

No. 13 S.

The question being on concurring in the amendment of the Assembly to the title thereof, and

The ayes and noes being called for and ordered,

Were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Greulich, McClellan, Martin, Mears, Simpson, Sutherland, Virgin, Warren, Worthington—12.

Noes—Messrs. Giles, Hanchett, Kimball, Proudfit, Wheeler—5.

Amendment concurred in.

On motion of Senator Mears,

Rules suspended, and

Bills No. 298 A. and 311 A.,

Put upon their passage.

No. 298 A.

A bill for an act to extend the time for the collection of taxes in the town of Merrimac, Sauk county.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Hanchett, Kimball, McClellen, Martin, Mears, Proudfit, Shulteis, Simpson, Smith, Sutherland, Warren, Wheeler, Worthington—16.

Noes—Messrs. Giles, Joiner, Virgin—3.

Title agreed to.

No. 311 A.

A bill for an act to extend the time for the collection of taxes in the counties of St. Croix and Brown.

Senator Martin moved to amend by striking out “and Brown” in the title and body of the bill.

Agreed to.

Ordered to third reading.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Giles, Hanchett, Kimball, McClellan, Martin, Mears, Proudfit, Shulteis, Simpson, Smith, Sutherland, Warren, Wheeler Worthington—17.

Noes—Messrs. Joiner, Virgin—2.

Title agreed to.

No. 312 A.

Read first and second times.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Greulich, Hanchett, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Warren, Worthington—15.

Noes—Messrs. Giles, Joiner, Virgin—3.

Title agreed to.

REFERRED ETC.

No. 138 A.

To committee on education, school and university lands.

No. 163 S.

Amendments of Assembly concurred in.

No. 146 S.

On motion of Senator Bennett,

Senate insisted on its disagreement to the amendments of the Assembly.

No. 174 S.

Amendments of Assembly concurred in.

Leave of absence was granted to Senators Cook, Kingston and Greulich, and to Senator Davis until 4 o'clock.

On motion of Senator Hanchett,

Adjourned until 10 o'clock, Tuesday A. M.

SENATE CHAMBER,
February 23d, 10 o'clock, A. M. }

Senate assembled.

Senator Giles President *pro tem* in the chair.

Roll of Senators called.

Senators Kimball, Maxon, and Simpson absent.

PETITIONS, ACCOUNTS, ETC., REFERRED.

Presented by Senator Mears.

Remonstrance of citizens of Clark county against a division of said county or the taking off of town 24, range 41 of said county and attaching the same to Jackson county.

To committee on town and county organization.

By Senator Sutherland.

Account of D. Appleton & Co., against the State.

To joint committee on investigation.

By Senator Pier.

Account of J. C. Lewis.

Also, *unintelligible*

Account of Nathaniel Waterbury.

To committee on claims. *unintelligible*

RESOLUTIONS INTRODUCED.

By Senator Virgin.

No. 75 S.

Resolved, That the judiciary committee be requested to enquire into the expediency of enacting a law to provide that no judgment of any court of this State or of the United States shall be a lien on real estate, unless a transcript thereof be filed in the office of the Clerk of the Circuit Court of the county wherein the said real estate is situated.

By Senator Worthington.

No. 76 S.

Resolved, That from and after this day the Senate will meet at 9 o'clock, A. M., until further ordered.

Rules suspended.

Resolution adopted.

By Senator Bean.

No. 77 S.

Resolved, That the joint committee of investigation be and they are hereby instructed to summons J. E. Arnold, and require him to state by what authority, if any, he indirectly charged Senator Davis and ex-Senator Barber with being engaged in the *swindle* connected with the disposition of the land grant at the fall session of the legislature of 1856.

By Senator Wheeler.

No. 78 S.

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property, be, and he is hereby instructed to distribute the 2500 copies of the Transactions of the Wisconsin State Agricultural Society for the years 1854-5-6-7 (contained in one volume,) as follows to wit:

Five copies to each member of the Legislature, and the same number to the Chief Clerk and Sergeant-at-Arms thereof, and their assistants.

Five copies each to the Governor, Lieut. Governor, Secretary of State, State Treasurer, Attorney General, State Prison Commissioner, Bank Comptroller, Librarian, and Superintendent of Public Instruction.

Five copies to the State Library, and the same number to the State Historical Society.

1000 copies to such County Agricultural Societies, as were duly organized on the first day of January, A. D. 1858, to be distributed to them in equal proportions and forwarded to them by the Superintendent of Public Property.

And the balance to the Wisconsin State Agricultural Society.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Schulteis,

No. 179 S.

An act restoring the civil jurisdiction of the county court of Ozaukee county.

To committee on judiciary.

By Senator Joiner.

No. 180 S.

A bill for the protection of fruit and fruit trees, ornamental trees and shrubbery.

To committee on agriculture.

By Senator Chappell.

No. 181 S.

A bill to organize the Chippewa and Manidowish Mining Company.

To committee on incorporations.

By Senator Wheeler.

No. 182 S.

A bill for an act to authorize the State Superintendent to apportion moneys to certain school districts therein named.

To committee on education school and university lands.

By Senator Hanchett.

No. 185 S., An act relating to the exemption of homesteads from forced sale on execution or other final process.

To committee on the judiciary.

COMMITTEE REPORTS.

Submitted by Senator Warren.

Committee on engrossed bills report.

Bill No. 116 S., a bill to amend an act entitled "An act to incorporate the Fox River Valley Railroad Company," approved March 29, 1853, correctly engrossed.

J. H. WARREN, Chairman.

By Senator Smith.

The joint committee on enrolled bills, report that on the 20th inst., they presented to the Governor for his approval :

No. 10 S.

An act to prevent obstruction on the Wisconsin river.

No. 14 S.

An act to legalize certain roads therein named, and declaring the same to be state roads.

No. 36 S.

An act to change the time for holding the fall term of the circuit court of Calumet county.

No. 39 S.

An act to appoint commissioners to lay out a state road therein named.

No. 37 S.

An act to incorporate the Norwegian Evangelical Lutheran Synod, of the State of Wisconsin.

No. 43 S.

An act to amend chapter 62, of the private and local laws of Wisconsin, for the year 1855, entitled "An act to authorize the board of supervisors of Winnebago county, to issue bonds for the purpose therein named."

No. 61 S.

An act to appropriate to T. N. Bovee, the sum of sixty-one dollars and ninety-five cents.

No. 62 S.

An act to appropriate to T. A. H. Edwards, sheriff of Manitowoc county, the sum of one hundred and fifty dollars.

No. 63 S.

An act to appropriate to Herman L. Page, sheriff of Milwaukee county, the sum of eleven hundred and thirty-seven dollars and fifty cents.

No. 88 S.

An act to extend the time for the collection of taxes in the city of Janesville.

No. 141 S.

An act to authorize the judge of the sixth judicial circuit to appoint a place for holding the circuit court, in the county of Buffalo.

No. 46 A.

An act to lay out a state road from Fancy Creek, in Richland county, to Readstown, in Bad Ax county.

No. 67 A.

An act to amend and extend the provisions of chapter 162, of the session laws of 1853, entitled "an act to authorize Dane county to borrow money, approved March 31, 1853.

No. 74 A.

An act to amend an act entitled an act to incorporate the Burlington union school district.

No. 85 A.

An act to appropriate to Edward Rankin, sheriff of Jefferson county, the sum of twenty-five dollars.

No. 119 A.

An act to appropriate to Clason & Huntsman, the sum of twenty-one dollars and sixty cents.

No. 227 A.

An act to authorize the collection of a delinquent school tax in the town of Dellona, in the county of Sauk.

And memorial No. 62 A.

A memorial to the honorable Postmaster General of the United States.

W. E. SMITH, of Senate.

W. C. WEBB, of Assembly.

February 23d, 1858.

By Senator Joiner.

The Committee on Agriculture and Manufactures, to whom was referred so much of the Governor's Message as relates to the Geological Survey, beg leave to return the same to the

Senate, and recommend that it be referred, with the Governor's Message of the 19th inst., to Committee on State Affairs.

L. W. JOINER,

Chairman.

BILLS ON THIRD READING.

No 116, S.

A bill to amend an act entitled, "an act to incorporate the Fox River Valley Rail Road Company, approved March 29th, 1853.

Read third time.

Passed.

Title agreed to.

No. 27, S.

A bill to incorporate the Waukesha Saving's Bank.

On motion of Senator Sutherland,

Laid on the table.

No. 6, S.

A bill to incorporate Kilbourn University.

On motion of Senator Martin,

Laid on the table.

On motion,

The Senate resolved itself into

COMMITTEE OF THE WHOLE.

Senator Martin in the Chair.

After considering several bills,

Committee rose and reported.

No. 139 S., 112 S., 112 A., and 118 A.

With recommendation to pass

No. 132 S., With recommendation that it be re-committed to committee on claims.

And asked leave to sit again.

Which was granted.

Senate went into committee of the whole.

For the purpose of considering No. 47 S.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein, committee rose and reported progress, and asked leave to sit again.

Which was granted.

BILLS PASSED.

Senator Hanchett on leave introduced,
No. 183, S., an act to regulate the terms of the circuit court in the County of Waupaca.

Read first and second times.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Senator Proudfit on leave introduced,

No. 184, S.,

A bill to extend the time for the payment of taxes in the town of Madison in the County of Dane.

Rules suspended.

Ordered to a third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Hanchett, Kimball, McClellan, Mears, Proudfit, Schulteis, Smith, Sutherland, Warren and Worthington—15.

Noes—Messrs. Cook, Giles, Joiner, Pier and Virgin—5.

Title agreed to.

Senator Davis moved a suspension of the rules, in order to take from general file and consider,

Nos. 114, 116, 117, 152, 157 and 188, A.,

And,

No. 159, S.,

The motion prevailed.

The following bills were then severally read the third time and passed, by ayes and noes as specified, and titles agreed to.

No. 114 A., a bill for an act to appropriate to Peter Coyne, the sum of money therein named, to wit: \$120.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Warren, Walsh, Worthington—20.

Senator Virgin voted in the negative.

No. 116 A., a bill for an act to appropriate to William Fitzpatrick, the sum of money therein named, to wit: \$120.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—21.

No. 117 A., a bill for an act to appropriate to Wm. H. Martin, the sum of money therein named, to wit; \$120.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—19.

Senator Chase voted in the negative.

No. 152 A., a bill to appropriate to D. C. Poole, the sum of money therein named for crockery furnished the State.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—20.

Senator Chase voted in the negative.

No 157, A.

A bill to appropriate to John Keane the sum of money therein named, for services in and about the Capitol.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—20.

Mr. Chase voted in the negative.

No. 188, A.

A Bill for an act to appropriate to W. P. Powers the sum of money therein named.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, and Worthington—21.

And

No. 159 S.

A bill to appropriate to the Trustees of the Baptist Society of Madison the sum of money therein named.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Warren, Walsh, Worthington—19.

Mr. Virgin voted in the negative.

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to inform you that the Assembly has receded from its amendment to

No. 146, S.

A bill for an act to appropriate to Edward M. McGraw, State Prison Commissioner, the sum of money therein named.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of the following bills.

No. 71 S.

A bill to appropriate to Maul & Grimm the sum of money therein named.

No. 69 S.

A bill to appropriate to Wisconsin State Telegraph Company the sum of money therein named, to-wit, \$61 08.

No. 45 S.

A bill to appropriate to G. W. Mygatt the sum of money therein named, to-wit: \$35.

No. 46 S.

A bill for an act to appropriate to Edwin Palmer, the sum of money therein named, to-wit: \$24 50.

No. 49 S.

A bill to amend section 17, chapter 299 of private and local laws of 1855, entitled "An act to incorporate the Sugar River Valley Railroad."

The following memorials:

Memorial No. 12 S.

A memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant county, Wisconsin.

Memorial No. 10 S.

Memorial to the Congress of the United States, in relation to a mail route.

And the following join resolution:

Joint Resolution No. 26 S.

Instructing the joint committee on investigation to inquire what has become of the lumber which the State purchased of the original contractors of the State Lunatic Asylum.

And has passed the following bills:

No. 174 A.

A bill for an act to incorporate the Lake Michigan Transit Company.

And,

No. 327 A.

A bill for an act to extend the time for the collection of taxes in certain towns and cities in the counties of Dodge and Winnebago.

In which the concurrence of the Senat is requested.

No. 327, A.,

Read first and second times.

On motion of Senator Smith,

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Davis, Hanchett, Kimball, McClellan, Mears, Proudfit Shulteis, Smith, Sutherland and Worthington—1

Noes—Messrs. Chase, Cook, Giles, Pier, Virgin and Warren—7.

Title agreed to.

On motion of Senator Boyd,

No. 61, A.,

A bill concerning the county seat of Adams County.

Taken from general file and referred to committee on town and county organization.

No. 174, A.,

Read first and second times.

And referred to committee on incorporations.

The following communication was read from the State Treasurer :

OFFICE OF STATE TREASURER, }
Madison, Feb. 20, 1858. }

TO THE HON. H. H. GILES,

President, pro tem., of the Senate :

SIR—I have the honor to acknowledge the receipt of the following resolution, adopted by the Senate on the 18th inst.:

Resolved, That the State Treasurer be, and is hereby instructed to report to the Senate the amount of State tax received from the several counties the present year, and what amount has been paid by each county in gold and silver, also, what counties, if any, have failed to pay such tax, and the amount due from such counties.

Herewith I hand you a tabular statement containing the information asked for, so far as the records of this office enable me to furnish it.

The treasurer is not required to keep a record of the particular kind of funds in which the State tax is paid. Fortunately, however, such a record had been kept, except in the case of two or three of the smaller counties.

It will be noticed that, notwithstanding the whole amount of the State tax was due at this office on the second Monday of this month, a very considerable amount is still unpaid.

I trust I shall not be considered as out of place in improving the present opportunity to lay before the Senate a brief statement of the course which I have felt it my duty to pursue, in the reception of funds into the State Treasury.

Upon taking possession of the office, I received from my predecessor something over one hundred and twenty thousand dollars in currency. Upon examining this currency, a large amount of it was found to consist of the issues of Banks located at distant and unknown places, and of a kind which, if convertible into coin in any event, only so at a great expense of time and money. Upon examining the bank securities in charge of this office, and noticing the changes which had been made within the past few months, it was discovered that while the banks in the more thickly settled part of the State, which were known to be owned and controlled by men of capital, were rapidly withdrawing their circulation, the class of banks before referred to were expanding theirs with equal, if not greater rapidity, and as a consequence the currency of the State was depreciating in value. The first few day's experience in this office, developed another fact, to wit: that the great bulk of all that was paid into the Treasury, was in this objectionable currency, and that, if no change was made in the management of this office, a large portion of the funds of the State would soon be in this kind of currency.

In view of this state of things I felt it to be my duty to do whatever might be in my power to prevent so undesirable a result, and discovering that my predecessor had no authority of law for receiving in payment of dues to the State anything other than coin, a circular, of which the following is a copy, was forwarded to every County Treasurer in the State, and to the different newspaper publishers:

CIRCULAR.

STATE TREASURER'S OFFICE, }
Madison, Jan. 7th, 1858. }

To the Treasurer of County—

I beg leave to call your attention to Sec. 84, of chapter 15, of the Revised Statutes of Wisconsin, which is as follows:

"On or before the second Monday of February in each year, the several County Treasurers shall pay to the State Treasurer, in gold and silver coin, the amount of State tax-

"es charged to their respective counties; which moneys, "when so paid, shall be credited by the State Treasurer to "the county so paying the same."

I know of no authority for the State Treasurer to receive from County Treasurers, in payment of State taxes, anything other than gold and silver coin. You will therefore govern yourself accordingly.

Interest and taxes on school and swamp lands will be received in the notes of solvent banks of this State, until Monday, the 18th inst, after which date gold and silver coin will be required, unless, in the mean time, the Legislature shall direct otherwise.

Very respectfully, your ob't servant,

SAMUEL D. HASTINGS,

State Treasurer.

Had, I, upon assuming the duties of my office found, the currency of the State in as healthy a condition as it was one year since, it is a matter of serious doubt whether I should have felt called upon to have departed materially from the course pursued by my predecessors.

I called the attention of the county treasurer to the *law*, as it stood upon the Statutes and requested them to govern themselves accordingly, saying nothing as to the course which I should pursue other than in relation to the payment of interest and taxes on school and swamp lands.

I was well aware that previous to the issue of the circular from my office, a considerable portion of the State tax had been collected in currency, and it was my intention at the time of issuing the circular to save the county treasurer from all loss or hardship where they could produce the evidence that they had acted in good faith, and had brought to the State treasury all the coin, they had received from the town treasurers.

This case has been pursued in all cases in receiving the State tax, and while the county treasurer have thus been saved from loss and hardship; there is now in the State Treasury

more than one hundred and twenty thousand dollars in gold and silver coin where would otherwise have been the same amount of depreciated paper currency.

In relation to the reception of the money due for interest and taxes on school and swamp lands my course has been somewhat different.

The law which governs in this matter is found on page 216 of the Revised Statutes, and is as follows :

SECTION 37. All moneys paid on account of school or university lands, whether for principal, interest, or otherwise, shall be paid to the State Treasurer, in *specie only*!

I was aware that at the time of issuing the circular before referred to, that a considerable amount of currency was in the mails, and in the possession of members of the Legislature, on others, for the payment of interest and taxes on school and swamp lands, and to enable this to reach the Treasury, the time for receiving currency, was extended until the 18th of January, since which time the law just quoted, has been strictly regarded, with the single exception that members of the Legislature paying interest for their constituents, have been allowed to pay in currency to the extent they have received it for mileage and per diem.

Very respectfully, your ob't servant,

SAMUEL D. HASTINGS,

State Treasurer.

S T A T E M E N T

Showing, "The amount of State Tax received from the several counties the present year, and what amount has been paid by each county in gold and silver, also what counties, if any, have failed to pay such tax, and the amount due from such counties."

COUNTIES.	Amount of Arreages.	1857. Amount of State Tax.	TOTAL.	Date of Payment.	Amount paid in.	Amount in Coll.	Amount in Currency.	Amount in State Scrips.	BALANCE DUE.	Amount credited on the books of the Secretary of State, to be paid to the Counties when collected from the School Fund
ADAMS.....	886 23	5050 00	2836 28	1858. Feb. 12	2260 66	1278 76	525 00	461 90	125 62	629 86
BAD AX.....	47 00	3750 00	3797 00	" Feb. 12	1547 00	886 56	280 00	660 50	2230 00	521 88
BROWN.....	92 00	3350 00	3642 00	" Feb. 2	8120 12	2890 12	280 00	..	521 88	444 27
BUFFALO.....	23 00	800 00	823 00	" Feb. 10	817 00	..	..	..	6 00	1484 01
CAIUMET.....	18 00	2800 00	2818 00	" "	828 99	..	..	..	41-8 88	823 54
CHIP-EWA.....	8008 88	1100 00	4108 88	" "	..	..	..	..	1482 50	478 21
CLARK.....	882 80	1100 00	1482 80	" Feb. 16	2600 00	2600 00	1772 00	..	7897 00	811 16
COLUMBIA.....	877 00	9750 00	10127 00	" Feb. 11	2291 54	1219 84	1772 00	..	17,204 19	811 16
ORAWFORD.....	108 00	3900 00	3808 00	" Feb. 9	3405 81	3101 16	3677 00	804 65	2785 00	466 88
DANE.....	810 00	19,800 00	20,610 00	" Feb. 2	9800 00	4856 62	3677 00	766 98	1227 50	..
DODGE.....	845 00	11,750 00	12,095 00	" "	..	..	..	..	1280 00	..
DOOR.....	927 50	800 00	1227 50	" "	..	..	..	..	987 74	..
DOUGLASS.....	1208 00	1880 00	1280 00	" Feb. 12	995 26	801 08	194 18	..	500 00	..
DUNN.....	680 00	1588 00	1888 00	" "	..	..	..	..	6 00	..
EAD CLAIKE.....	500 00	500 00	500 00	" Feb. 12	12,781 00	9480 00	8841 00	..	6 00	258 49
FOND DU LAC.....	847 00	12,480 00	12,797 00	" Feb. 12	12,780 00	12,780 00	9 00	..	157 00	..
GRANT.....	287 00	12,700 00	12,987 00	" Feb. 8	7110 00	7101 00	..	..	1508 00	..
GREEN.....	43 00	6800 00	6803 00	" Feb. 11	7589 00	6804 15	..	1754 85	1483 00	..
IOWA.....	62 00	9000 00	9062 00	" Feb. 5	550 00	550 00	..	..	1398 18	..
JACKSON.....	448 00	1600 00	2048 00	" Feb. 9	..	..	..	..	12,487 00	480 56
JEFFERSON.....	817 00	12,180 00	12,467 00	" Feb. 5	1695 82	1571 88	24 00	..	1448 49	74 71
JUNEAU.....	24 00	2900 00	2924 00	" Feb. 6	688 68	688 68	8216 00	8714 25	..	81 87
KEWAUNEE.....	1577 12	560 00	2127 12	" Feb. 11	10,165 00	8174 75	..	..	..	26 81
KENOSHA.....	289 17	9900 00	10,069 17	" Feb. 12	2885 68	1980 68	875 00	..	1167 87	480 56
LA CROSSE.....	199 00	4000 00	4023 00	" "	4000 00	4000 00	..	..	4219 87	268 68
LA FAYETTE.....	419 87	7800 00	8219 87	" "	..	..	..	..	400 00	..
LA POINTE.....	200 00	200 00	400 00	" "	..	..	..	..	..	..

MANITOWOC	1295 88	6640 00	7935 88	—	Feb. 10	1561 00	..	..	..	..	518 50	1897 48	1786 59
MANATHON	1877 88	1160 00	8027 85	—	Feb. 8	6072 88	6411 20	2291 00	870 63	899 17	5064 50	897 40	826 46
MAQUETTE	1112 00	6830 00	6962 00	—	Jan. 30	618 84	1612 18	..	658 84	859 17	..	897 40	326 46
MILWAUKEE	4689 79	23,600 00	83,189 79	—	Jan. 80	1992 00	..	..	879 87	93,380 95	..	82,580 95	259 63
MONROE	42 00	1950 00	1992 00	—	Feb. 6	..	..	..	..	..	..	4527 97	2368 55
OCONTO	2860 57	1000 00	1260 57	—	Feb. 18	1450 00	1450 00	..	..	..	..	180 00	1037 00
OUTAGAMIE	2927 97	8050 00	6377 97	—	Feb. 8	4140 00	8679 00	461 00	..	..	..	2488 29	864 06
OZAUKEE	1390 00	4140 00	4370 00	—	Jan. 18	886 56	..	..	..	..	..	2477 20	..
PIERCE	724 85	2800 00	3824 85	—	Jan. 15	65 00	65 00	..	..	..	..	8507 00	..
POLK	1000 00	1000 00	2542 20	—	Jan. 11	8485 50	6500 00	2467 00	..	..	..	5064 50	..
PONTIAC	5007 74	2900 00	8807 74	—	Jan. 11	8485 50	6500 00	2467 00	518 50	1686 00	..	5064 50	..
RACINE	820 00	18,280 00	113,650 00	—	Jan. 11	2425 00	2425 00	1930 00	9432 26	1686 00	..	1686 00	..
RICHMOND	11 00	4100 00	4111 00	—	Jan. 8	10,423 71	9091 45	..	..	..	..	..	..
ROCK	117 00	19,890 00	20,007 00	—	Jan. 18	..	..	..	..	..	..	..	..
ST. CROIX	8764 82	6830 00	7561 82	—	Jan. 11	4188 76	2830 61	..	1908 15	7564 32	2689 25	7564 32	8168 26
SAUK	623 01	6830 00	6878 01	—	Jan. 11	7150 00	1942 70	2459 00	2743 80	930 00	115 00	115 00	396 46
SCHAWANAW	950 00	950 00	860 00	—	Jan. 11	819 99	819 99	..	..	..	..	..	..
SHERBOYGAN	115 00	7150 00	7265 00	—	Jan. 17	10,596 00	701 00	457 50	9395 00	1 0 00	23 00	23 00	80 62
TREMPEALEAU	19 99	900 00	919 99	—	Jan. 18	7824 00	6866 56	1742 40	8000 00	14 00	1000 00	1000 00	4 43
WALWORTH	124 00	10,500 00	10,624 00	—	Jan. 18	9232 40	4480 00	1804 56	209 00	..	..	..	..
WASHINGTON	68 00	7270 00	7338 00	—	Jan. 2	1513 56	1908 92	96 00	601 08	4121 13	100 00	100 00	..
WAUKESHA	82 40	10,200 00	10,232 49	—	Jan. 10	2606 00	5218 00	50 96	88 00	1345 98	..	..	..
WAUPACA	1964 69	3670 00	5684 69	—	Jan. 9	6187 00	261 06	..	..	..	..	..	..
WAUSHARA	106 00	2600 00	2706 00	—	Jan. 4	..	..	..	..	..	..	..	..
WINNEBAGO	281 00	6900 00	6181 00	—	Jan. 5	..	..	..	..	..	..	..	..
WOOD	68 60	1600 00	1658 00	—	Jan. 6	..	..	..	..	..	..	..	..
	\$38,279 11	\$300,400 00	\$338,279 11	Up to Incl. Feb. 18th, 1868		\$185,886 98	\$120,252 18	\$24,838 04	\$36,658 16	\$159,986 60	\$19,680 73		

Up to Incl. Feb.
18th. 1858.

On motion of Senator Warren,
Senate adjourned.

SENATE CHAMBER,

Wednesday, February 24th, 9 o'clock A. M. }

Senate assembled pursuant to adjournment.

Senator Giles, President pro tem., in the chair.

Roll of Senators called.

Senators Chappell, Cook, Proudfit and Simpson, absent.

RESOLUTIONS.

No. 75 S.

Resolved, That the judiciary committee be requested to enquire into the expediency of enacting a law to provide that no judgment of any court of this State or of the United States shall be a lien on real estate, unless a transcript thereof be filed in the office of the Clerk of the Circuit Court of the county wherein the said real estate is situated.

Adopted.

No. 77 S.

Resolved, That the joint committee of investigation be and they are hereby instructed to summons J. E. Arnold, and require him to state by what authority, if any, he indirectly charged Senator Davis and ex-Senator Barber with being engaged in the *swindle* connected with the disposition of the land grant at the fall session of the legislature of 1856.

Senator Kimball offered the following substitute:

That Senator Davis, and Ex-Senator Barber be duly appointed a joint committee to investigate the conduct of J. E. Arnold.

On motion of Senator Sutherland,

Resolution and substitute laid on the table.

Joint resolution.

No. 29 S.

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property, be, and he is hereby instructed to distribute the 2500 copies of the Transactions of the Wisconsin State Agricultural Society for the years 1854-5-6-7 (contained in one volume,) as follows to wit:

Five copies to each member of the Legislature, and the same number to the Chief Clerk and Sergeant-at-arms thereof and their assistants.

Five copies each to the Governor, Lieut. Governor, Secretary of State, State Treasurer, Attorney General, State Prison Commissioner, Bank Comptroller, Librarian, and Superintendent of Public Instruction.

Five copies to the State Library, and the same number to the State Historical Society.

1000 copies to such County Agricultural Societies, as were duly organized on the first day of January, A. D. 1858, to be distributed to them in equal proportions and forwarded to them by the Superintendent of Public Property.

And the balance to the Wisconsin State Agricultural Society.

Adopted.

COMMITTEE REPORTS.

Submitted by Senator Chase,

The judiciary committee, to whom was referred,

Bill, No. 119, S.,

A bill for an act to authorize the County Board of Supervisors to submit to a vote of the people the question of a removal of the county seat of their respective counties, report back the same and recommend its indefinite postponement, for the following reasons:

Sec. 22, article 4, of the constitution provides that "the legislature may confer upon the boards of supervisors of the several counties of the State such powers of a local legislative and administrative character, as they shall from time to time prescribe." Sec. 8, Art. 13, of the constitution provides that "no county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law."

A strict construction of the constitution would not authorize the legislature to confer upon the boards of supervisors any legislative powers, but those of a local character; and fixing the point of location of a county seat is a general law, and as such is recognized in the courts of the State. A law fixing the point to which the county seat is proposed to be removed is a general law and must be passed by the legislature. The committee are therefore of opinion that such a law as is proposed by this bill would be unconstitutional.

REPORT OF C. S. CHASE,

Chairman.

By Senator Davis.

The committee on State affairs to whom was referred No. 155 S., "a bill to provide for the keeping of insane persons, and to authorize the Secretary of State to audit accounts therefor," have had the same under consideration, and report it back with amendments, and recommend its passage, when so amended.

DAVIS,

Chairman.

By Senator Kimball.

The committee on incorporations, report No. 95 A., a bill for an act to incorporate the village of Dodgeville.

Also,

No. 97 A., a bill for an act to incorporate the village of Monroe.

Also,

No. 135 S., a bill for an act to incorporate the Kewaunee and New Franklin Plank Road Co.

Also,

No. 150 S., a bill for an act to amend an act to incorporate the city of Prescott, approved March 9th, 1857.

Also,

No. 174 A., a bill for an act to incorporate the Lake Michigan Transit company.

Also,

No. 25 A., a bill for an act to incorporate the Madison and Pheasant Branch Gravel and McAdam Road Co.

And recommend their passage.

M. L. KIMBALL,
Chairman.

By Senator Walsh.

The committee on Militia, to whom was referred Bill No. 154 S., a bill for an act providing for the organization, enrolling and discipline of the Militia of the State of Wisconsin, have had the same under consideration, and would respectfully report, That they deem the organization, enrollment and discipline of the militia, or citizen soldiery of the State, to be a matter of no trifling moment, but on the contrary, one of great importance to the welfare, peace and prosperity of the State. While we do not believe it is the true policy of any Republican government to maintain a large standing army, or expensive military establishment in time of peace, yet we are decidedly of the opinion that it is both wise and prudent, to provide for and maintain a complete organization of all the able bodied citizens of the State liable to do military duty. Past experience has proved the importance of having some kind of military force to aid the civil arm of government, in cases of emergency such as mobs, insurrections, or foreign invasions. As the regular army of the United States is at all times very small, and widely scattered over our vast territories and along our immense frontiers, they cannot be depended upon in a sudden emergency, because too far from the point of danger. During the war of the Revolution, as well as the last war with Great Britain, the militia of the several States proved to be the great bulwark of our national defence. So also in the war with Mexico in many of the hard fought fields, our citizen soldiers proved themselves fully equal in courage and efficiency to the regular forces. Your committee are fully of the opinion that an intelligent and well trained militia are far the strongest, cheapest, and most reliable military force upon which this or any other country can rely for

the defence of its rights and liberties. A hireling soldiery never have that vital interest at stake in the defence of our country that the militia do. While the regular soldier fights only for pay, our militia fight for their homes, their firesides, their wives and children and invaluable liberties. A foreign foe may possibly annihilate such a force, but he can never conquer and subdue them. Hence we say it is both wise and prudent to maintain such an organization and discipline as will give an intelligent direction to this noble element of self defence for our free institutions. Let us not in our fancied security forget the advice of him who led our armies through the long and bloody struggle for Independence, that, "in time of peace we should prepare for war." Let us encourage the formation and drilling of uniform companies who shall perfect themselves in military discipline, and cultivate and keep alive that noble, generous and self-sacrificing love of country that was manifested by our ancestors, and which will lead their sons, if necessary to pour out their blood free as water in defence of our common country.

Your committee are aware that there is a strong prejudice in the minds of many of our fellow citizens, against any organization or drilling of the militia, but we are persuaded that opinion is not well founded. According to the laws of Congress, this state is entitled to a certain quota of arms and military equipments, in proportion to the number of militia enrolled in the State and reported to the war department at Washington. If we have no organization and enrollment, we can make no report, and consequently, we lose our quota of arms, which, if obtained, would fully supply our uniform companies throughout the State. Those uniform companies distributed over the State, well trained and disciplined as they would be, under the bill presented would be ready at a moments warning to aid the civil arm in executing the laws, quelling mobs, or insurrections, and in repelling foreign invasion. Your committee believe that the surest way to prevent foreign invasion or any encroachments upon our rights from

abroad is to let the world see and know that we have the ability to protect ourselves, and are prepared to do it at all hazards. In order to do this we must have a well organized and disciplined militia. Therefore, your committee would earnestly recommend the passage of the accompanying bill.

PATRICK WALSH,
JOHN W. BOYD,
C. S. CHASE,

Senator Hanchett moved that one hundred thousand copies of said report be printed.

Senator Wheeler moved to amend by string out "hundred."

Senator Sutherland moved to lay motion and amendment on the table.

The motion prevailed.

By Senator Pier,

The committee on claims, to whom was referred the account of J. D. Welch, Sheriff of Dane County, for serving requisition in the State of Iowa, have directed me to report the same back to the Senate, with a bill,

No. S., to appropriate to J. D. Welch the sum of \$87,50, and recommend its passage.

Also,

The account of Alexander Lumsden, with the recommendation that the same be referred to the State Prison Commissioner, as it is for leather furnished to the State Prison.

Also,

The account of D. G. Power, for making large map, with the recommendation that it be disallowed.

Report of committee concurred in

Account of Alexander Lumsden,

Referred to State Prison Commissioner.

Account of D. G. Power,

Disallowed.

No. 186, S.,

A bill to appropriate to J. D. Welch the sum of \$87,50.

Read first and second times,
And referred to general file.

By Senator Smith,

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 26, S.,

An act to divide the county of Dunn, and create the county of Pepin.

No. 162, S.,

An act to extend the time for collecting taxes in the town of Eagle, in the county of Waukesha.

No. 174, S.,

An act to extend the time for the collection of taxes for the year 1857, in the counties of Oconto, Door, Brown, Kewaunee, Shawano and Manitowoc.

Also,

No. 18, A.,

An act to incorporate the farmer's mutual fire insurance company of Calumet county.

No. 32, A.,

An act to appropriate to William A. Campbell the sum of one hundred and ninety-five dollars.

No. 43, A.,

An act to amend chapter 505 of the laws of 1856, entitled "an act to incorporate the Green Bay and Kewaunee plank road company."

No. 79, A.,

An act extending the time for presenting and proving claims against the estate of W. D. Bruen, deceased.

No. 113, A.,

An act to appropriate to Wm. Habich the sum of three hundred and sixty-nine dollars.

No. 151, A.,

An act to authorize the collection of taxes in the town of Ixonia, in the county of Jefferson.

W. E. SMITH,
Of Senate.
W. C. WEBB,
Of Assembly.

By Senator Simpson,

The committee on roads, bridges and ferries, to whom was referred,

No. 140, S.,

A bill for an act to authorize the laying out and establishing a state road therein named.

No. 168, S.,

A bill for an act to authorize the laying out of a state road therein named.

No. 171, S.,

A bill for an act to authorize the laying out of a state road therein named.

No. 65, A.

A bill for an act to authorize Thomas Douglas to construct a bridge across Black River, in the county of Jackson.

Report the said several bills back without any amendments, and recommend their passage.

P. B. SIMPSON,
Chairman.

Report of the Committee of the Whole submitted yesterday taken up.

No. 132 S.

Referred to Committee on claims.

No.s 118 A. and 112 A.

Ordered to third reading.

No. 112 S.

Amendments of Committee concurred in,

Ordered engrossed for third reading.

No. 139 S.

Senator Virgin moved to indefinitely postpone.

Senator Smith moved to lay on the table.

The motion prevailed.

Laid on the table.

On motion of Senator Greulich,

No. 6 S.,

A bill to incorporate Kilbourn University,

Taken from the table,

Rules suspended,

Ordered to third reading,

Read the third time,

Passed,

Title agreed to.

Report of Committee on Judiciary submitted Saturday taken up.

Nos. 22 S, 55 S, 90 S, 96 S, and 106 S,

Referred to Joint Committee on Revision.

On motion of Senator Worthington,

Senate went into committee of the whole, on general file.

Senator Virgin in the chair.

After some time spent therein,

Committee rose and reported back,

Nos. 117 A., 160 S., 113 S. and 105 S.

With recommendation to pass.

That No. 136 S.,

Be laid on the table.

That No. 109 S.,

Be referred to committee on State affairs.

That No. 33 A.,

Be referred to committee on incorporations.

No. 42 and 161 S.,

With amendments.

On motion,

The Special order for 11 o'clock, was postponed until 30 minutes past eleven.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed.
No. 295 A.

A bill for an act to appropriate to Richard Dunbar the sum of \$65.

No. 294 A.

A bill for an act to appropriate to Addison C. Randall the sum of \$65.

No. 195 A.

A bill for an act to appropriate to H. Friend & Brothers the sum of money therein named.

No. 194 A.

A bill for an act to appropriate to Charles Holt the sum of money therein named.

No. 347 A.

A bill for an act to extend the time for the payment of taxes in the counties of Jackson and Ozaukee, and other counties therein named.

No. 91 A.

A bill for an act to change the name of Ada Newland to Ada Newland Powers.

No. 106 A.

A bill for an act, authorizing Ziba Goff to build and maintain a dam across the Killsnake river.

No. 121 A.

A bill for an act authorizing school district No. 5, in the town of Platteville, in Grant county, to use school money for building purposes.

No. 123 A.

A bill for an act to amend an act entitled "an act in relation to state roads."

No. 153 A.

A bill to appropriate to S. Klauber & Co., the sum of money therein named, for carpets, etc., furnished the state.

No. 45 A.

A bill for an act to incorporate the Northwestern woolen manufactory.

No. 154 A.

A bill to appropriate to Tibbits & Gordon the sum of money therein named, for hardware furnished the state.

No. 246 A.

A bill to provide for the payment of the clerk of revisors.

No. 348 A.

A bill for an act to extend the time for collecting taxes in the town of Black Earth, in the county of Dane.

MR. PRESIDENT—

I am directed to present for signature,

No. 18 A.

An act to incorporate the farmers' mutual fire insurance company of Calumet county;

No. 32 A.

An act to appropriate to William A Campbell the sum of one hundred and ninety-five dollars;

No. 43 A.

An act to amend chapter 505 of the laws of 1856, entitled "an act to incorporate the Green Bay and Kewaunee plank road company;"

No. 79 A.

An act extending the time for presenting and proving claims against the estate of Wm. D. Bruen, deceased;

No. 113 A.

An act to appropriate to Wm. Habich the sum of three hundred and sixty-nine dollars;

No. 151 A.

An act to authorize the collection of taxes in the town of Ixonia, in the county of Jefferson;

And,

No. 21 S.

An act to amend an act entitled "an act to organize the county of Juneau, and to locate the county seat thereof," approved October 13, 1856;

Which have been signed by the Speaker.

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of,
No. 76 S., a bill for an act to incorporate the Oconto lumbering company.

No. 26 S., a bill to divide the county of Dunn, and create the county of Pepin.

No. 53 S., a bill for an act to amend an act, incorporating the city of La Crosse, approved March 4th, 1856.

No. 170 S., a bill for an act to extend the time for the collection of taxes in the county of Jefferson.

The Assembly have also passed the following :

Res. No. 105 A.,

Resolved, That J. S. Officer have leave to exhibit the pupils of the State Institute for the Education of the Deaf and Dumb in this Assembly room to-morrow at 3 o'clock, P. M., and that the Senate be invited to attend such exhibition.

On motion of Senator Chase,

Rules suspended,

Message taken up.

No. 348 A.

Read first and second times,

Rules suspended,

Ordered to third reading,

Read third time,

Passed,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Sutherland, Walsh, Worthington—19.

Noes—Messrs. Chase, Giles, Joiner, Maxon, Pier, Virgin, Warren—7.

Title agreed to.

No 294 A.

Read 1st and 2d times,

Rules suspended,

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd Chapell, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—26,

Title agreed to.

No 295 A.

Read first and second times.

Rules suspended,

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Pier, Schulteis, Smith Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—25.

Title agreed to.

On motion of Senator Greulich,

Rules suspended.

No. 174 A.

Taken from general file.

Rules suspended.

No. 174 A.

A bill to incorporate the Lake Michigan Transit Company.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 347 A.

Ordered returned to Assembly for engrossment.

READ FIRST AND SECOND TIMES AND REFERRED.

Nos. 246 A., 153 A., 154 A., 194 and 195 A.

To general file.

No. 123 A.

To committee on roads, bridges and ferries.

No. 121 A.

To committee on Education, School and University Lands.

No. 45 A.

To committee on Incorporations.

No. 91 A.

Was laid on the table.

Message from his Excellency the Governor.

EXECUTIVE DEPARTMENT. }
Madison, Feb. 23d. 1858. }

To the Senate:

The following entitled acts, originating in the Senate, have severally received the approval of the Executive, and have been deposited in the office of Secretary of State:

An act to prevent obstructions in the Wisconsin river.

An act to legalize certain roads therein named, and declaring the same to be State roads.

An act to change the time for holding the fall term of the Circuit Court of Calumet county.

An act to appoint commissioners to lay out a State road therein named.

An act to amend chapter 62 of the private and local laws of Wisconsin for the year 1855, entitled, "an act to authorize the Board of Supervisors of Winnebago county to issue bonds for the purpose therein named.

An act to appropriate to T. N. Bovee the sum of \$61 95.

An act to appropriate to T. A. H. Edwards, Sheriff of Manitowae county, the sum of \$150.

An act to appropriate to Herman L. Page, Sheriff of Milwaukee county, the sum of \$1137 50.

An act to extend the time for the collection of taxes in the city of Janesville.

An act to authorize the Judge of the sixth judicial circuit to appoint a place for holding the circuit court in the county of Buffalo.

ALEX. W. RANDALL.

Senator Hanchett moved a reconsideration of the vote by which the Senate concurred with the Assembly in the passage of No. 174 A.

The motion prevailed.

Action reconsidered,

Bill referred to committee on the judiciary.

On motion of Senator Warren,

Rules suspended.

No. 97 A.

A bill to incorporate the village of Monree.

Taken from general file.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Pier, Schulteis, Smith, Sutherland, Virgin, Warren. Wheeler, Worthington.—30.

Noes—Messrs. Giles, Greulich, Maxon, Simpson, Walsh—5

Title agreed to.

Senator Wheeler, on leave, introduced.

No. 187 S., a bill for an act to incorporate the Neenah Hydraulic Company.

Read first and second times, and referred to committee on incorporation.

On motion of Senator Worthington.

No. 27 S., a bill to incorporate the Waukesha Savings Bank.

Taken from the table.

Senator Worthington offered an amendment.

Which was adopted. Ordered to third reading.

On motion of Senator Schulteis.

Senate adjourned.

SENATE CHAMBER,
Feb. 25, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro tem., in the chair.

Rev. Mr. Eggleston officiated as chaplain.

Roll of Senators called.

Senators Cook, Davis and Martin absent.

Journal of yesterday read and approved.

PETITIONS, &C., PRESENTED AND REFERRED.

By Senator Sutherland.

Petition of I. C. Sloan and other members of the Rock county bar, in relation to terms of circuit court in said county.

To committee on the judiciary.

By Senator Hanchett.

Petition of J. W. Townsend and others, praying for passage of law declaring certain portions of Waupacca river navigable.

To committee on internal improvements.

By Senator Martin.

Petition of citizens of Outagamie county for repeal of the charter of the Winnebago Lake and Fox River Plank Road Company.

To committee on incorporations.

ACCOUNTS.

By Senator Proudfit.

Account of Bliss, Eberhard & Festner, \$1,643, 37.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Kingston.

Joint Resolution, No. 30 S.

Resolved by the Senate, the Assembly concurring, That the Joint Committee on enrolled bills be instructed to return to the Senate, for further consideration, bill No. 26 S., entitled "a bill for an act to divide the county of Dunn, and erect the county of Pepin.

Senator Virgin moved a suspension of the rules.

The ayes and noes being called for, and ordered, were as follows.

Ayes—Messrs. Bennett, Cook, Davis, Kimball, Kingston, McClellan, Martin, Proudfit, Schulteis, Sutherland, Virgin, Warren—12.

Noes—Messrs. Bean, Boyd, Chappell, Chase, Giles, Greulich, Hanchett, Joiner, Maxon, Mears, Pier, Simpson, Smith, Walsh, Wheeler, Worthington—16.

Senate refused to suspend the rules.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Sutherland,

No. 189 S.

A bill for the relief of the First Congregational Society, of the town of Magnolia in the county of Rock.

Referred to general file.

By Senator Mears.

No. 190 S.

A bill for an act to incorporate the Bear Lake Canal and Boom Company.

To committee on incorporations.

By Senator Bennett.

No. 191 S.

A bill for an act to allow the city and town of Beloit to levy a tax for certain purposes therein named.

To committee on judiciary.

By Senator Smith.

No. 192 S.

A bill for an act to appropriate to John Lowth the sum of seventy-two dollars and ninety cents.

To committee on claims.

By Senator Smith,

No. 193 S.

A bill for an act to authorize the State Treasurer to receive the notes of Wisconsin specie paying Banks in payment of Interest on account of School, University and Swamp Lands.

To committee on state affairs.

By Senator Bennett,

No. 194 S.

A bill to repeal section 7 of chapter 99 of the general laws of 1857.

To committee on printing.

Senator Shulties gave the following notice:

NOTICE.

That I, to-morrow or on some future day, shall ask leave to introduce a bill to provide for the protection of persons who have given farm mortgages in aid of the construction of Railroads, in cases of foreclosure of such mortgages.

H. J. SHULTEIS.

Senator McClellan moved a reconsideration of the vote by which, bill,

No. 348, A.,

A bill for an act to extend the time for collecting taxes in the town of Black Earth, in the county of Dane.

Was Passed.

The ayes and noes being called for and ordered.

Were as follows

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Giles, Greulich, Joiner, McClellan, Maxon, Pier, Smith, Sutherland, Virgin, Warren, Walsh and Worthington—17.

Noes—Messrs. Chappell, Hanchett, Kimball, Kingston, Mears, Proudfit, Shulties, Simpson and Wheeler—9.

The motion prevailed.

Reconsidered.

Senator Proudfit moved to indefinitely postpone.

Senator Bean moved to refer to select committee of three.

Senator Proudfit moved that the whole subject be laid on the table.

The motion prevailed.

Laid on the Table.

COMMITTEE REPORTS.

By Senator Warren,

Committee on engrossed bills report,

No. 112, S.,

A bill in relation to rail road bridges, correctly engrossed.

J. H. WARREN,

Chairman.

By Senator Davis,

REPORT:

The Joint Committee appointed to visit the Institute for the education of the Blind, and the Institute for the education of the Deaf and Dumb, have discharged the duty assigned them by visiting both the Institutes, examining the accounts of their officers, respectively, and acquainting ourselves with their wants and necessities for the ensuing year.

Before entering in detail into the present condition of these benevolent institutions, your committee have thought it advisable to present to the Legislature, a statement of the yearly and aggregate cost of each institution.

The first appropriation to the Institute for the education of the Blind, was made in 1851.

For the erection of proper buildings,	\$3,000 00
For the support of the same,	2,000 00
Appropriated in 1852, for the support of the institute,	2,000 00
For furnishing the building, &c.,	2,500 00
Appropriated in 1853, for the support of the Institute,	2,500 00
Appropriated in 1854, for the support of the Institute,	3,500 00
For the erection of Main Building,	12,000 00
Appropriations for 1855, for the support of the Institute,	\$4,000 00
To aid in the construction of main building and East Wing,	5,000 00
Appropriations for 1856, for the support of the Institute,	5,000 00
For the completion of main building, according to plan of the same,	10,000 00
Appropriations for 1857, for the support of the Institute,	7,000 00
Completion of main building,	12,000 00
For work shops,	3,000 00

Total cost for the support of the Institute,	26,000 00
Total cost of building and shop,	47,500 00
Aggregate,	<u>\$73,500 00</u>

The first appropriation to the Institute for the education of the Deaf and Dumb was made in 1852, when one thousand a year for three years was appropriated for the construction of buildings,

3,000 00

Appropriations in 1853, for support of the Institute,

2,000 00

Appropriations in 1854, for building the east transverse wing,

5,000 00

Supporting the Institute,

4,000 00

Appropriations in 1855 for work shops,

500 00

For support of the Institute,

6,000 00

Appropriations for 1856, for support of the Institute,

7,000 00

For repairs of building,

300 00

Appropriations for 1857, for support of the Institute,

12,000 00

For erection of main building,

15,000 00

For erection of work shop,

4,500 00

For liquidating debts,

3,000 00

Total cost for support of the Institute,

31,000 00

Total cost of buildings,

31,300 00

Aggregate,

\$62,300 00

The Institute for the education of the Blind, your committee have carefully examined the books and accounts of the Board of Trustees, and were well pleased to find that they had been kept in a most correct and systematic manner. No account is allowed until it has been passed upon by a quorum of the Board. All bills for household supplies, furniture, or any other matter of expense connected with the domestic department, must be certified to by the Superintendent of the

Institute. The Board then direct their Secretary to draw an order on the Treasurer for the amount. The Secretary being provided with a blank order book, with stubs, each order drawn is numbered, and the same number put upon the stubs and also written for what the order was given, and each man receiving the order, receipts the same upon the stubs. The Treasurer pays out the funds upon these orders and keeps a record of the same, and at the close of each year, his books and vouchers are compared with the Secretary's books.

The building committee keep a set of books, and also a blank order book, and by a resolution of the board, the building committee draw orders on the Secretary in favor of laborers, material, or other matters connected exclusively with the building department. Each of these orders are accepted upon the stubs of the committee's book. The Secretary retains these orders, and draws from his book an order on the Treasurer and passes to the individual entitled to it, who also gives his receipt therefor.

Your committee have deemed it due to the Trustees and officers of this Institute to give this detailed statement of the manner of keeping the accounts of the Institution. They believe that the system is one well worthy of adoption by all who have the disbursement of the funds of the State.

The accounts of this Institute were found to be all correct. In looking over the bills and contracts, we are satisfied that the Board obtained their supplies at a cheap rate, and that the work on the buildings have been done substantially and economically.

Your committee do not deem it necessary to enter into a detailed statement in regard to the course of instruction. Suffice it to say, that the progress in the various branches of education, which these blind pupils have made, is truly wonderful, and too much credit cannot be given to Mr. Churchman, the accomplished Superintendent, and to Mr. Campbell, the Professor of music, for their untiring efforts in behalf of the interests and welfare of those entrusted to their care, and

we believe that the whole corps of officers and assistants are well qualified for their positions and are entirely devoted to the best interests of those they have in charge.

In recommending the appropriations to this Institute for the coming year, we have made an estimate for necessities only.

For the support of the Institute,	\$10,000 00
Balance due on steam apparatus,	1,500 00
For school apparatus, furniture and tools for shops,	1,000 00
Building verandahs around east wing, two cisterns, one well,	1,500 00
	<hr/>
	\$14,000 00

INSTITUTE FOR THE EDUCATION OF THE DEAF AND DUMB.

The books and vouchers in the hands of the officers of this Institute were also carefully examined, and although we do not think that the system of keeping the accounts is as good as that adopted by the officers of the Blind Institute, yet we found vouchers for all monies expended, and after a careful examination of the progress which has been made on the Main Building, the work shops, and other out buildings, your committee are satisfied that the appropriations have been judiciously and economically used.

The walls of the Main Building have been erected within the past year, and now the necessities of the Institute require an appropriation to finish off at least one-half of this building as soon as the work can be done. This will be obvious when your committee state that the pupils, now numbering between fifty and sixty, are at present compelled to occupy the attics of each wing, now erected, for dormitories. The attic in the longitudinal wing, occupied by the male pupils, is very much crowded, as not only all the beds, but all the clothing, trunks, &c., belonging to these young men and boys have to be kept in this room. At present there is no room that can be used exclusively for hospital purposes. Indeed,

every part of the east longitudinal and transverse wings, the only part of the edifice now completed, is over crowded.

We believe that the Trustees have been very fortunate in securing the services of Mr. J. S. Officer as principal. Mr. Officer is assisted by three male teachers, and one female, all of whom appear to be peculiarly well qualified to discharge the duties assigned them. Two of these assistant teachers are mutes, who have acquired a finished education, and thus have become most eminently fitted to teach that unfortunate class among which they are numbered.

A considerable sum of money will yet be required to complete the main building and the west wings, but in ascertaining the amount of appropriation to be made for the current year, we have taken into the account only the *actual necessities* of the Institution.

For current expenses,	\$12,000 00
“ completing part of main building,	8,000 00
“ paying Trustee's note for land purchased, and finishing the shop and outbuildings, already commenced,	2,000 00

Your committee would also recommend an appropriation of \$6,500 for completing the main building, to be paid in the year 1859. This we believe would be good economy on the part of the State, as the contract for completing the whole could be let at a much less amount than for finishing off a part only.

In closing this report it is due to the Trustees of the above Institutions to state, that they have been able to get but very little money from the State Treasury in the course of the last year. Warrants have been issued on appropriations made a year since, and the officers have been compelled, in order to raise money, to sell these warrants at a discount of from eight to twelve per cent. The loss to the State in the course of the last year, in thus being compelled to discount, amounts, on account of appropriations to the Deaf and Dumb Institute, to a little more than \$2,700, on account of appropria-

tions to the Institute for the education of the Blind, \$1,700. It is obvious that for this loss the Trustees of these Institutions are in no way accountable.

M. M. DAVIS,

S. C. BEAN,

Senate Committee.

Z. P. BURDICK,

F. R. BERG,

Assembly Committee.

By Senator Davis, from select committee,

No. 195, S., A bill for an act to appropriate certain sums of money to the Wisconsin Institute for the education of the Deaf and Dumb.

To general file.

Also,

No. 196, S., a bill for an act to appropriate to the Wisconsin Institute for the education of the Blind, certain sums of money therein named.

To general file.

By Senator Smith.

The joint committee on enrolled bills report that they presented to the Governor, for his approval, on the 25th inst., the following bills:

No. 21 S.

An act to amend an act entitled an act to organize the county of Juneau, and to locate the county seat thereof, approved Oct. 13th 1856.

No. 26 S.

An act to divide the county of Dunn, and to organize the county of Pepin.

No. 79 A.

An act extending the time for presenting and proving claims against the estate of Wm. D. Bruen, deceased.

No. 43 A.

An act to amend chapter 505 of the laws of 1856, entitled "an act to incorporate the Green Bay and Kewaukee Plank Road company.

No. 32 A.

An act to appropriate to William A. Campbell, the sum of one hundred and ninety-five dollars.

No. 151 A.

An act to authorize the collection of taxes in the town of Ixonia, in the county of Jefferson.

No. 113 A.

An act to appropriate to William Habich the sum of three hundred and sixty-nine dollars.

No. 312 A.

An act to extend the time for the collection of taxes in the towns of Center, Kendall, Willow Springs, Fayette, Argyle, Wiota, Wayne, and Gratiot in the county of LaFayette.

No. 311 A.

An act to extend the time for the collection of taxes in the county of St. Croix.

No. 298 A.

An act to extend the time for the collection of taxes in the town of Merrimac, Sauk county.

No. 162 S.

An act to extend the time for collecting taxes in the town of Eagle, in the county of Waukesha.

No. 174 S.

An act to extend the time for the collection of taxes for the year 1857, in the counties of Oconto, Door, Brown, Kewau-
nee, Shawano, and Manitowoc.

W. E. SMITH, of Sen.

W. C. WEBB, of Assem.

Feb. 25th, 1858.

By Senator Smith:

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 298 A., an act to extend the time for the collection of taxes in the town of Merrimac, Sauk county.

No. 311 A., an act to extend the time for the collection of taxes in the county of St. Croix.

And,

No 312 A., an act to extend the time for the collection of taxes in the towns of Center, Kindall, Willow Springs, Fayette, Argyle, Wiota, Wayne, and Gratiot, in the county of La Fayette.

And find the same correctly enrolled.

W. E. SMITH, of Senate.

W. C. WEBB, of Assembly.

Message from his Excellency the Governor.

EXECUTIVE DEPARTMENT,
Madison, February 25, 1858. }

TO THE SENATE—

The first appointment of Regents, transmitted to the Senate under an act entitled "An act for the encouragement of Academies and Normal Schools," having been rejected by the Senate, I have appointed the following named persons, subject to your approval:

C. C. Sholes, Kenosha county; Julius T. Clark, Dane county; Luther H. Cary, Sheboygan county. Terms expire January 1st, 1859.

John Hodgson, Waukesha county Jas. H. Howe, Brown county; Hanmer Robbins, Grant county. Terms expire January 1st, 1860.

Silas Chapman, Milwaukee county; O. T. Maxson, Pierce county; W. E. Smith, Dodge county. Terms expire January 1st, 1861.

ALEX. W. RANDALL.

Referred to committee on education, school and university lands.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature the following bills which have been signed by the speaker, to-wit:

No. 26 S.,

An act to divide the county of Dunn, and create the county of Pepin.

No. 162 S.

An act to extend the time for collecting taxes in the town of Eagle, in the county of Waukesha.

No. 174 S.

An act to extend the time for the collection of taxes for the year 1857, in the counties of Oconto, Door, Brown, Kewaunee, Shawano, and Manitowoc.

No. 298 A.

An act to extend the time for the collection of taxes in the town of Merrimac, Sauk county.

No. 311 A.

An act to extend the time for the collection of taxes in the county of St. Croix.

And No. 312 A.

An act to extend the time for the collection of taxes in the towns of Center, Kindall, Willow Springs, Fayette, Argyle, Wiota, Wayne, and Gratiot, in the county of La Fayette.

BILLS PASSED.

No. 118 A., A bill for an act to appropriate to Berliner & Bruno the sum of money therein named, to-wit: \$10.

Read third time. Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Giles, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Walsh, Wheeler, Worthington.—18.

Noes—Messrs. Martin, Virgin, Warren—3.

Title agreed to.

No. 112 A. A bill for an act to appropriate to Berliner & Bruno the sum of money therein named, to wit: \$1700.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Giles, Greulich, Hanchett, Joiner, Mc Clellan, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Walsh, Wheeler, and Worthington.—17.

Noes—Messrs. Bean, Chase, Cook, Kingston, Martin, Virgin, and Warren.—7.

Title agreed to.

REFERRED.

No. 112 S. A bill in relation to Rail Road bridges.

Senator Cook moved to amend by striking out "ten" in last line of 1st Section, and insert "five".

Consent of Senate being unanimously given,

The amendment was adopted.

Senator Martin moved to amend by incorporating a section in said bill, as follows:

The time for the payment of the taxes imposed by law on the several Rail Road companies of this State for the year 1857, is hereby extended to the first day of July next, and all penalties for nonpayment of such taxes, are hereby remitted, provided, that the said taxes shall be paid on or before the day herein before specified.

Not receiving the unanimous consent of the Senate,
Senator Clark objecting.

The amendment was rejected.

Sen. Chase moved reference to committee on roads, bridges and ferries.

Senator Giles moved to amend by instructing committee to report bill with an amendment, restricting the application of said bill to bridges one hundred and fifty feet in length.

The amendment was adopted.

The motion as amended prevailed.

So referred.

No. 27, S.,

A bill to incorporate the Waukesha Savings Bank.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

SPECIAL ORDER.

On motion Senate went into

COMMITTEE OF THE WHOLE,

For the purpose of considering,

No. 47, S., a bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein,

Committee rose and reported progress.

And asked leave to sit again.

Which was granted.

On motion of Senator Proudfit,

Rules suspended,

And,

No. 348, A.

Taken from table.

Senator Proudfit offered the following amendment:

Sec. 2. Nothing in this act shall be construed to exonerate the Treasurer of said town from paying any orders legally drawn upon him, but he shall pay all such orders as far as any money in his hands will enable him so to do.

By the unanimous consent of the Senate,

Amendment adopted.

The question being on the passage of the bill, and the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Grenlich, Hanchett, Kimball, Kingston, McClellan, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Walsh, Wheeler, Worthington—21.

Noes—Messrs. Giles, Joiner, Maxon, Pier, Virgin, Warren—6.

Passed.

Title agreed to.

On motion,

Senate adjourned.

SENATE CHAMBER,
February 26th, 9 o'clock, A. M. }

Senate assembled. At 9 o'clock, by call of the Senate.
Senator Giles, President pro tem., in the chair.
Roll of Senators called.
Senators Chappell, Cook, Kimball, Martin and Warren
absent.

Journal of yesterday read and approved.

PETITIONS, ACCOUNTS, ETC., REFERRED.

Presented by Senator Bennett.

Petition of D. R. Spooner and other citizens of Rock county, asking a law restoring the death penalty for murder.

To committee on judiciary.

By Senator Hanchett.

Petition praying for the passage of a law, chartering the Wisconsin Log Driving Company.

To committee on incorporations.

By Senator Greulich.

Account of Sage & Sons, \$335 50.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Bean:

Resolved, That that the Superintendent of Public Property, be requested to inform the Senate, what amount of stationary or other articles, have been furnished since the first of January last to each of the departments, or to any person, (not already reported,) to which stationery has been furnished by the State.

Rules suspended.

Resolution adopted.

By Senator Davis.

Resolved, That the committee on the judiciary, be requested to report forthwith, No. 138 S., a bill for an act authorizing the borrowing of money on the faith and credit of the State, to pay certain bonds heretofore issued.

By Senator Davis.

Joint Resolution No 21 S.

Resolved by the Senate the Assembly concurring, That the Legislature will not hereafter act upon any local or private bill, except on Mondays and Tuesdays.

Senator Davis moved to suspend rules.

The motion was withdrawn.

Senator Chase renewed the motion.

Senate refused to suspend rules.

By Senator Davis,

No. 79 S.

Whereas, It is no longer the settled policy of the National Government to dispose of the public lands for the sole purpose of deriving a revenue therefrom,

And,

Whereas, By every principal of sound national policy, not less than by the dictates of a generous philanthropy, a nation should aim to attach all citizens, and all persons proposing to become citizens, to its institutions.

Therefore,

Resolved by the Senate, the Assembly concurring, That the best interests of the whole country would be promoted by the passage of an act, by the General Government, giving to every landless citizen, or person declaring intentions to become a citizen, one hundred and sixty acres of the public domain, according to the Government survey, Provided, That such person shall settle upon and improve the same for a continuous period of not less than five years.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our Senators and Representatives in Congress.

By Senator Worthington.

Joint Resolution,

No. 32, S.

Resolved by the Senate, the Assembly concurring, That the Joint Investigating Committee, of which Denison Worthington, of

the Senate, is Chairman, be, and they are hereby authorized to repair to Milwaukee for the purpose of examining the books and records of the La Crosse and Milwaukee Railroad, or of any other Railroad Company holding its office in that city, and shall have power and authority, while there, to hold sessions and take testimony before them, in the same manner as they are now authorized to do at Madison.

Resolved, That said Committee be, and they are hereby authorized, if they deem it expedient and proper to do so, to appoint one or more of their number, and less than a majority, to proceed to Milwaukee and there to make examination of the books, records, and papers of any Railroad Company in that city, to make extracts from said books and copies of such papers, and report the same to such Investigating Committee, and such report, so made, shall be deemed and taken as testimony, so far as it relates to any matters copied or extracted from the books, records or papers of such Company.

Senator Worthington moved a suspension of the rules.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Pier, Proudfit, Simpson, Smith, Virgin, Wheeler, Worthington—20.

Noes—Messrs. Clark, Maxon, Mears, Schulteis, Sutherland, Walsh—6.

Rules suspended,

Resolution adopted.

RESOLUTIONS TAKEN UP.

Joint resolution,

No. 30, S.

Resolved by the Senate, the Assembly concurring. That the Joint Committee on Enrolled Bills be instructed to return to the Senate, for further consideration, bill No. 26, S., entitled " a bill for an act to divide the county of Dunn, and erect the county of Pepin."

On motion of Senator Kingston,
Laid on the table.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Wheeler,
No. 197, S.,

A bill for an act to fix the compensation of the revisors of the general laws of this State.

To joint committee on revision.

By Senator Schulteis,
No. 198, S.,

An act to authorize the Treasurer of School District No. 1, in the town of Port Washington, to receive county orders in payment of school district taxes.

To committee on judiciary.

By Senator Kingston,
No. 199, S.,

A bill for an act to legalize the acts of certain officers in the county of Juneau.

To committee on judiciary.

By Senator Kingston,
No. 200, S.,

A bill for an act to authorize Andrew Scott and Thomas Buckley to build and maintain a dam across the Lemonweir river.

To committee on Incorporations.

By Senator Bean,
No. 201, S.,

A bill for an act to repeal chapter one hundred and one of the general laws of 1857, being an act to provide for the appointment of an assistant in the office of the Attorney General.

To committee on judiciary.

By Senator Pier, from committee on claims,
No. 202, S.,

A bill for an act to appropriate to Joseph Schantz the sum of \$25.00.

To general file.

Also,

No. 203 S.

A bill for an act to appropriate to Nathaniel Waterbury the sum of \$38 40.

To general file.

Also,

No. 204 S.

A bill for an act to appropriate to J. C. Lewis the sum of \$38 40.

To general file.

By Senator Hanchett,

No. 205 S.

A bill for an act to extend the time for the payment of taxes for the year 1857, in the counties of Portage, Marathon, Wood and Waupacca.

To general file.

By Senator Martin,

No. 206 S.

A bill to amend chapter 120 of the revised statutes, entitled "Of the lien of mechanics and others."

To committee on the judiciary.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee report back bill

No. 191 S.

For an act to allow the city and town of Beloit to levy a tax for certain purposes therein named.

And recommend its passage.

No. 72 A, and Mo. 97 S.

Bills for an act to amend section 62, chapter 10 of the revised statutes, relating to district attorneys.

And recommend their indefinite postponement.

C. S. CHASE,

Chairman.

By Senator Davis,

The committee on state affairs, to whom was referred
No. 193 S.

A bill for an act to authorize the State Treasurer to receive the notes of Wisconsin specie paying banks, in payment of interest on account of school, university and swamp lands.

Have had the same under consideration and report it back and recommend that the Senate amend the bill by inserting the names of the specie paying banks, and when so amended, your committee would recommend its passage.

M. M. DAVIS.

By Senator Sutherland,

The committee on education, school and university lands, to which was referred

No. 117 S.

A bill for an act to incorporate the St. Aloysius Academy in the city of Milwaukee.

Have had the same under consideration, and instructed me to report the same back to the Senate with a substitute, and recommend the passage of the substitute.

J. SUTHERLAND,

Chairman.

Substitute for No. 117 S.

Read first and second times, and

Referred to general file.

By Senator Simpson,

The committee on roads, bridges and ferries, to whom was referred bill

No. 6 A.

Have had the same under consideration, and instructed me to report the same back with the recommendation that it do pass.

P. B. SIMPSON,

Chairman,

By Senator Pier,

The committee on claims, to whom was referred the account of Joseph Schantz, sheriff of Washington County, have had

the same under consideration and have directed me to report,

Bill, No. 202, S.,

For an act to appropriate to Joseph Schantz the sum of \$25.00,

Also,

The account of Nat. Waterbury, and have directed me to report by,

Bill, No. 203, S.,

To appropriate to Nat. Waterbury the sum of \$38.40.

Also,

Bill, No. 204, S.,

To appropriate to J. C. Lewis the sum of \$38.40.

They have also had under consideration,

No. 132, S.,

A bill to authorize the Secretary of State to audit certain accounts.

And have directed me to report it back with the recommendation that it be indefinitely postponed.

The also report back the following accounts :

The account of A. D. Smith, for 13 copies Wisconsin Reports, with the recommendation that the same be disallowed.

The account of W. E. Cramer,

The committee adhere to their former recommendation, that the account be disallowed.

The account of G. Pfister & Co., and recommend it to be referred to the State Prison Commissioner.

The petition of Julius Erdman, with the recommendation that the prayer of the petitioner be denied.

E. PIER,

Chairman.

Account of W. E. Cramer,

Report of committee concurred in.

Disallowed.

Account of A. D. Smith.

Report of committee not concurred in.

Account laid on the table.

Account of D. Pfister & Co.,

Report of committee concurred in.

Referred to State Prison Commissioner.

Petition of Julius Erdman.

Report of committee concurred in.

Prayer of petitioner denied.

No. 132, S.,

A bill to authorize the Secretary of State to audit certain accounts.

Report of committee concurred in.

Indefinitely postponed.

By Senator Virgin,

The majority of the committee on contingent expenses, to whom was referred,

Bill, No. 93, S.,

Have had the same under consideration, and have instructed me to report a substitute and recommended its passage.

Also,

No. 94, S.,

A bill to appropriate a certain sum of money to defray the contingent expenses of the State for the present year, and report it back with an amendment and recommend its passage when so amended.

W. N. H. VIRGIN,

Chairman.

By Senator Bean.

The majority of the committee on town and county organization, to whom was referred bill No 61 A., having had the same under consideration, report it back to the Senate with amendments, and when so amended, recommend its passage.

BEAN,

Chairman.

By Senator Joiner.

The committee on Agriculture, to whom was referred bill No. 180, for the protection of fruit and fruit trees, ornamental

trees and shrubbery, have considered the same and report it back, and recommend its passage.

L. W. JOINER,
Chairman.

By Senator Smith.

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 49 S.

An act to amend section 17 of chapter 299 of private and local laws of 1855, entitled An act to incorporate the Sugar River Valley Rail Road company, approved March 29th, 1855.

No. 100 S.

An act to legalize the proceedings of a school meeting in district No. one, (1) in the town of Pepin and county of Dunn, and to authorize the collection of a tax.

No. 44 S.

An act to appropriate to Edwin Palmer, the sum of twenty-four dollars and fifty cents.

No. 46 S.

An act to appropriate to George W. Mygatt, the sum of thirty-five dollars.

No. 69 S.

An act to appropriate to Wisconsin State Telegraph company, the sum of sixty-seven dollars and eight cents.

No. 268 A.

An act for the relief of tax-payers, in the towns of Janesville and Fulton, in the county of Rock.

No. 146 S.

An act to appropriate to Edward M. Macgraw, State Prison Commissioner, the sum of money therein named.

No. 163 S.

An act to appropriate to J. R. Cowdry, the sum of four hundred and twenty-nine dollars.

No. 71 S.

An act to appropriate to Maul & Grimm, the sum of fifteen dollars.

No. 53 S.

An act to amend an act incorporating the city of LaCrosse, approved March 4th, 1856.

No. 170 S.

An act to extend the time for the collection of taxes in the county of Jefferson.

Also the following memorials.

No. 10 S.

A memorial to the Congress of the United States, in relation to the establishment of a mail route.

No. 12 S.

A memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant Co., Wisconsin.

No. 13 S.

A memorial to Congress, for the establishment of a mail route, from Shullsburg, in Lafayette county, to Apple River Station, in the county of Jo Davies, in the State of Illinois.

W. E. SMITH,

Of Senate.

W. C. WEBB,

Of Assembly.

By Senator Kimball.

The committee on incorporations, report No. 23 A., a bill for an act to incorporate the city of Ripon.

Also,

No. 48 S., an act to incorporate the city of Superior, without amendment, and recommend their passage.

KIMBALL, Chairman.

On motion of Senator Clark,

Rules suspended,

And,

No. 106, A.

A bill for an act authorizing Ziba Goff to build and maintain a dam across Killsnake river.

Taken from the table.

Senator Clark moved to refer to Committee on Roads, Bridges, and Ferries.

Senator Wheeler moved to amend by inserting, "Committee to report adversely to said bill, in case its objects were provided for by general statutes.

The amendment was agreed to, and the motion as amended prevailed.

Report of Committee of the Whole, submitted on the 24th inst., taken up.

No. 136, S.

A bill to incorporate the Osceola Literary Association, of Polk county,

Referred to Committee on State Affairs.

No. 42, S.

An act to authorize Elias A. Galloway to keep and maintain a Ferry across the Chippewa river,

Laid on the table.

No. 161, S.

A bill for an act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

Amendments of committee concurred in.

Ordered engrossed for third reading.

No. 109 S.

A bill to appropriate a certain sum of money therein named. To committee on State affairs.

No. 113 S.

A bill for an act to amend chapter of the revised statutes, relating to the incorporation of villages.

Ordered engrossed and for a third reading.

No. 105 S.

A bill for an act to incorporate the Chippewa Falls Bridge Company.

Ordered engrossed for third reading.

No. 33 A.

A bill for an act to incorporate the city of Ripon.

To committee on incorporations.

No. 109 A.

A bill.

No. 42 A.

A bill for an act entitled An act to incorporate the Chipeway Valley Rail Road Company, approved March 5th, 1857.

Amendments of Committee concurred in.

Ordered to third reading.

Message from his Excellency the Governor.

STATE OF WIS., EXECUTIVE DEPARTMENT, }
Madison, February 26th, 1858. }

TO THE LEGISLATURE:

The extent of the Capitol enlargement, now under contract, and the slow progress of the work, render it proper that your immediate attention be called to the subject. Believing that longer delay would render it impossible to complete the extension within the time limited, and according to the terms of the contract, I addressed a note to the Architects, Messrs. Donnel & Kutzbock, upon the subject, and received the subjoined reply, which I transmit to you. Some immediate action is necessary to compel the prompt prosecution of the work. As soon as the work is a little further advanced, the necessities of the Secretary's office will require a different arrangement in the present building, or the renting of some other building by the State to accommodate that Department. It would be unwise to make alterations in the present building, which might discommode the next Legislature, without some sufficient assurance that the enlargement now under contract, will be completed, ready for the use of the State, before the first day of January next.

I recommend this subject to your immediate consideration. Committees should be appointed to confer with the contractor, and to devise some method by which the difficulties apprehended may be avoided.

ALEXANDER W. RANDALL.

To His Excellency, Alexander W. Randall, Governor of Wisconsin :

As Architects and Superintendents appointed to superintend the erection of the Capitol extension, and in reply to your communication addressed to us, enquiring into the condition of said building, we submit to you the following

REPORT:

Section 4 of "an act authorizing the enlargement of the Capitol" required the Governor to let the work to the lowest and best bidder, which was awarded to John Rycraft on the 16th day of June 1857, for the sum of ninety-two thousand dollars. The same section requires the contractor to finish and complete the said enlargement at some time prior to the 1st day of November, 1858. There is now expended, including all expenses up to the 1st day of December, 1858, the sum of \$8,731 3cts. of which amount the contractor has received 85 per cent.; (there has been no estimate since the 1st day of Dec. 1857, as there have been no materials delivered, or labor performed sufficient to call for an estimate,) leaving the amount to be expended between this and the 1st day of November, 1858, the sum of \$83,268 97 cents per day, or about \$49,500 for labor, which, at the current prices now would require 119 men per day to complete the work. The amount of money to be expended, and the number of men required to complete the work by the 1st day of November, 1858, is not impossible, if *driven with energy from this time*, but we regard it as impracticable, from the fact that to complete the work at that time, it would require the building to be under roof as early as the 1st day of July next, and to drive a building of that magnitude, where it is joined into a building built for many years, might be highly injurious.

There is no difficulty in completing the building by the next sitting of the Legislature, but to do so it would be necessary to have delivered on the ground within the next six weeks, 200 cords of stone from the Madison quarries, and within the next 3 1-2 months twenty thousand feet of Prairie

du Chien stone, worked, laid up, and ready to be laid up, and within the next 3 months one hundred thousand feet lumber, and three hundred thousand brick, none of which items are now on the ground, except a small quantity of Prairie du Chien stone.

Believing the above Report to embrace all the information required in your communication, we respectfully submit it.

DONNEL & KUTZBOCK,

Architects.

Madison, February 25, 1858.

Referred to committee on State affairs.

Message from his Excellency the Governor.

EXECUTIVE OFFICE, }

Madison, February 26, 1858. }

TO THE HON. THE SENATE—

A bill entitled "An act to extend the time for the collection of taxes in the town of Eagle, in the county of Waukesha," has been presented to me for my approval. I return it to the Senate with my objections. A large portion of the taxes in the town of Eagle has been already collected. There is no objection to such relief as is necessary, being provided by the legislature, to enable the town treasurer to collect that portion of the taxes remaining unpaid. This bill extends the time until the first Monday of June next, without making any provision requiring the town treasurer to pay over to the county treasurer, the county and state taxes, or so much thereof as have been already collected. There is no reason why the taxes already collected should be suffered to remain in the hands of the town treasurer, while creditors of the town and county are compelled to wait for their pay.

It grants an unnecessary favor to the Town Treasurer, and does injustice to those who have claims payable out of those funds. Such legislation is inconsiderate and mischievous. Other bills containing this and other defects, extending the time for the payment of taxes in different localities, have passed and become laws. The financial difficulties which

have seriously affected the whole country, have been a sufficient warrant to the Legislature, in extending all reasonable relief; but the great number of these relief bills, being passed by the Legislature, makes it my duty to interpose, and to call the attention of the Legislature to the necessity of some further provisions, in all such cases, to the end that the public may not unnecessarily suffer, while all reasonable relief is provided for those towns where the taxes have not been fully paid.

ALEX. W. RANDALL.

Rules suspended.

Message taken up.

The question being on the passage of the bill, (No. 162 S.) notwithstanding the objections of the Governor, and the ayes and noes being required, were as follows:

Ayes—Messrs. Chappell, Proudfit—2.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Schulties, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—25.

Not receiving the vote of two thirds of all the members.

The bill was declared lost.

MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed:
No. 340 A.

A bill for an act to incorporate the Milwaukee Warehousing Company.

No. 69 A, a bill for an act to lay out a State road.

No. 347 A., a bill for an act to extend the time for the payment of taxes in the counties of Jackson and Ozaukee, and other counties therein named.

In which the concurrence of the Senate is requested.

And has concurred in the passage of

No. 184 S. A bill to extend the time for the payment of taxes in the town of Madison in the county of Dane.

No. 184 S. An act to regulate the terms of the Circuit court in the county of Waupacca.

And,

No. 29 S.

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Property, be, and he is hereby instructed to distribute the 2500 copies of the Transactions of the Wisconsin State Agricultural Society for the years 1854-5-6-7 (contained in one volume,) as follows to wit:

Five copies to each member of the Legislature, and the same number to the Chief Clerk and Sergeant-at-arms thereof and their assistants.

Five copies each to the Governor, Lieut. Governor, Secretary of State, State Treasurer, Attorney General, State Prison Commissioner, Bank Comptroller, Librarian, and Superintendent of Public Instruction.

Five copies to the State Library, and the same number to the State Historical Society.

1000 copies to such County Agricultural Societies, as were duly organized on the first day of January, A. D. 1858, to be distributed to them in equal proportions and forwarded to them by the Superintendent of Public Property.

And the balance to the Wisconsin State Agricultural Society.

MR PRESIDENT—

I am directed to inform you that the Assembly has passed Joint Resolution No. 27 A.

Instructing the Superintendent of Public Property to deliver 25 copies of Doc. Hist. of Wisconsin, to Gen. W. R. Smith.

Rules suspended.

Message taken up.

Joint Resolution No. 27 A.,

Read first and second times.

No. 69 A.

Read first and second times,

Referred to general file.

No. 347 A.

Read first and second times.

Senator Davis moved to suspend rules.

Rules suspended.

Senator Joiner moved to amend by striking out "the city of Madison."

The ayes and noes being demanded and had,

Were as follows:

Ayes—Messrs. Chase, Giles, Joiner, McClellan, Maxon, Pier, Sutherland, Virgin and Worthington—8.

Noes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, Hanchett, Kingston, Martin, Mears, Proudfit, Schulteis, Smith, Tucker and Walsh—16.

Senate refused to amend.

The question being on ordering the bill to a third reading.

And the ayes and noes being called for and taken.

Were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Davis, Greulich, Hanchett, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Smith, Sutherland, Tucker, Walsh—17.

Noes—Messrs. Chase, Giles, Joiner, Maxon, Pier, Virgin and Worthington—7.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Davis, Greulich, Hanchett, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Smith, Sutherland, Tucker, Walsh—18.

Noes—Messrs. Chase, Giles, Joiner, Maxon, Pier, Virgin and Worthington—7.

Title agreed to.

No. 340, A.

Referred to Committee on Incorporations.

On motion of Senator Kingston,

Rules suspended,

Substitute for

No. 38 S.

An act to change the time for holding Circuit Court in the county of Adams, and to fix the time for holding the same in the county of Juneau.

Taken from general file.

Substitute adopted.

Ordered to third reading.

On motion of Senator Kingston,

Returned to general file.

Senator Schulteis moved to postpone special order thirty minutes.

Senate refused to postpone.

SPECIAL ORDER

On motion,

Senate went into

COMMITTEE OF THE WHOLE,

For the purpose of considering

No. 47 S.

A bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein,

Committee rose and reported progress.

And asked leave to sit again.

Which was granted.

On motion of Senator Pier,

No. 121 S.

A bill to appropriate to Robert J. Smith the sum of money therein named.

Taken from general file, and

Referred to joint committee for investigation

On motion of Senator Davis,

Senate adjourned.

SENATE CHAMBER,
Feb. 27, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro tem., in the chair.

Rev. Mr. Brooks officiated as chaplain.

Roll of Senators called.

Senators Clark, Cook, Hanchett, Kimball, Martin, Maxon, Proudfit, Simpson, Sutherland, Warren, Walsh and Worthington, absent.

LETTERS, PETITIONS, ETC., PRESENTED AND REFERRED.

La Crosse, Feb. 22d, 1858.

To the President of the Senate—LIEUT. GOV. E. D. CAMPBELL:

Seeing in the Journal of the Senate, a resolution calling upon me for information in relation to suits commenced by me against trespasses on Public Lands. I hasten to reply. That in the resolution under which I acted, I did not conceive I had any power to commence prosecutions, more than any other citizen of the State. But I did consider it my duty to inform the District Attorneys of the different counties, giving the names of trespassers and witnesses, and this I have done at different times during the past three years, personal, to attorneys of Buffalo, Trempleau, Jackson, Monroe, Adams, La Crosse and Bad Ax, and by letter, to Pierce and Crawford counties. In Bax Ax, the officers did not act, and for the purpose of stopping the destruction of timber, I employed Senator Tucker, to commence suits against John Britt and Charles and John Warner—the first having during the two years taken from the State lands 1000 cords, the other probably 1500, for which the State has had no redress. In one suit, the venue was chaged to Monroe county, under the direction of Senator Tucker, to whom I shall referr at June term of Circuit Court, I took witnesses before the Grand Jury of Bad Ax Co., who testified to finding different persons in the act of cutting timber on State lands, but the jury did not find a bill. The names of tresspassers are: Britt, Warners, Buchanan, Berry and others. I may add that Britt, Warner, and others, cruelly beat

and bruised Mr. Sherman, whom I employed in trying to prevent trespassing.

In Treampleau Co., on finding no action taken by the officers I procured warrants from Justice Noyes, for the arrest of John Lanford, L. Sampson, and others; the Sheriff, W. P. Clark, arrested the persons named above, in the act of taking wood from State lands—who, by force, made their escape to Minnesota. Others were arrested, whose names I have forgotten, the arrests, however, had the effect to stop trespassing in that vicinity.

In Buffalo county I had every assistance the District Attorney, Mr. W. Pierce, could render. A large number of arrests were made of persons in the act of taking wood and timber from State lands. A number were fined. The fines collected went to the county. The extent of country over which I endeavored to prevent trespassing was so great, I was under the necessity of procuring persons to give me assistance, among whom was Mr. John Hill, of Buffalo county, who after commuting with some persons at Alma, having collected from \$60 to \$80 dollars, was forcibly seized by a mob, beaten and robbed of the money belonging to the State. For particulars I refer you to the Secretary of State, who has in his office the affidavit of Mr. Hill, also the affidavit of John Kent and E. A. Damon, which were filed in that office—Hill's, August 20th, and the others, September 16th, 1857, as also two letters written by myself to Governor Bashford and the School Commissioners. In the prosecutions and applications to District Attorneys, and procuring witnesses, I have expended over two hundred dollars, and from them have never received one cent. In regard to the amount of monies received and expended, I refer to my reports of 1856-7 and 8, to the Secretary of State, the copies of which I have not before me.

I gave in my last report to the Secretary of State, the reason why I am unable to give names and dates, or exact accounts of money received or expended, which was, I had my papers stolen from my state room on the steam boat Mason, between Alma, Buffalo county, and Waubesa, in October last.

In regard to what money can be realized from further prosecutions, I can only say that the only way I believe anything can be realized, is to have some one appointed who has the power to prosecute trespassers and commence suits, and get the venue changed to some other counties, where judgments can be obtained. In that case I can furnish the names of trespassers and witnesses, with very little expense, in nearly every county which I have mentioned in this report.

In regard to the wood and timber on the Wisconsin river, I have merely to state that, finding persons trespassing after they had been notified that it was State land from which they were taking wood and timber, I employed persons to watch their proceedings, and mark the wood and timber, who reported to me 11,440 cords of wood taken. I informed Mr. Broadhead, and others who superintend the affairs of the Milwaukee and Mississippi Railroad, of the fact, who agreed not to estimate or purchase the wood unless released by authority from the State. On applying to those who had the wood in charge, I was met by a release from Mr. Mesmore, who claimed authority from the Secretary of State and Governor Bashford. Whether Mr. Mesmore released the whole amount of 11,440 cords, I am unable to say, as I could get no information in regard to the matter.

My expenses in attending to the matters on the Wisconsin was \$215 00. In Bad Axe county there have been taken from State lands, 2,500 cords; in Trempelean, 1,500 cords; in Buffalo, 2,000 cords, from which I have been unable to obtain any thing for the State.

All which is respectfully submitted,

WM. CROMBIE.

EXECUTIVE DEPARTMENT, }
Madison, February 26, 1858. }

TO THE HON. THE SENATE—

I transmit herewith, for the consideration of the Senate, in connexion with the other messages upon the same subject, a communication from Prof. Edward Daniels, in regard to the

contracts for the geological survey of the State under the law of 1857.

ALEX. W. RANDALL.

To his Excellency Alexander W. Randall,

Governor of Wisconsin.

A statement made to you by Prof. E. S. Carr, and endorsed in part by Professor James Hall, appears in the Senate journal of the 19th inst. A severe indisposition has prevented me from giving it an earlier attention, but I find its representations so unfair that I desire to place on record with it a counter statement.

I ask attention first to a few facts in regard to the origin of the Geological bill of last winter.

Early in the session of 1857, a bill passed the Assembly, providing for a Geological survey, by appropriating \$5,000 per annum for that purpose for the term of four years, and empowering the Governor to appoint a State Geologist.

This bill entered the Senate, and was there referred. It was reported back by a substitute, which provided that Professor James Hall should be State Geologist, and receive a salary of \$2,500 per annum, that Prof. Carr should be State Chemist, with a salary of \$2,000 per annum, and that an assistant should be appointed with a salary of \$1,500 per annum. It also provided for an annual appropriation of \$6,000 for the term of six years.

This bill met with opposition, and was referred to a select committee, who canvassed the whole ground, considered all the various views and interests, and finally reported the bill which afterwards passed into a law.

It was well understood during the pending of this bill that Professor Hall was fully occupied with labors growing out of his connection with several geological surveys in other States, That Professor Carr was engaged at the State University, so as to leave him very little time to attend to this survey, and, consequently, that these gentlemen could give only incidental attention to it.

It was also understood that I would devote my whole time to the field work, and that I should have assistance, which assistance would be paid out of the common fund.

That such an agreement would be agreeable to Professor Hall, at least, an extract from one of his letters previously written to me in reference to the survey will show. He says: "Were the appointment given to me, I should ask you to assume the duties and responsibilities, with the honor arising therefrom, reserving to myself the Paleontology,"—thus giving me the most substantial evidence of his confidence in my ability to work out the Geology of the State, and of his desire that I should have it to do. Professor Carr, gave me assurance that Professor Hall would not expect to draw his salary until he could be here.

Without such assurances as those I should certainly never have allowed my name to be used in the commission. Such was the previous understanding, and I think any one will see from a cursory examination of the bill that it did not contemplate an equal participation of each of the commissioners in the actual labors of the survey.

As soon as the bill passed, I went to Albany in person, with the approbation of the Governor, to carry to Professor Hall a copy of the act, and consult with him as to the organization of the survey. I did this to save time both to Professor Hall and the commission.

I saw Professor Hall, and we agreed upon a general plan of the field work, distribution of labor, &c. He told me that he could not well come out to Wisconsin before August, unless he should go out to Iowa, in which case he might take it on his way. I was to go on with the field work at once, and we were to correspond and consult farther with each other and Professor Carr before making contracts. On my return I told the Governor and Professor Carr the result of my interview. The Governor said that it was all right, and said that I could go on, and he would date the contracts back when we got ready to make them.

In April I was compelled to be absent a short time in Kansas. When I returned, I found that Professor Hall had been at Madison in my absence, and had agreed with Professor Carr upon a basis for organizing the survey. I had no previous notice or intimation of Professor Hall's intention to come here at that time. The statement of Professor Carr that Professor Hall came here at the suggestion of the Governor, and other members of the Commission, is therefore incorrect as far as it applies to me.

The fact is that Professor Hall came here on his way to Iowa, where important business called him. I objected to the basis agreed upon by Messrs. Hall and Carr, because it contained a condition most unjust to the State, and a palpable violation of the law, which I clearly foresaw would destroy the usefulness of the survey.

The objectionable feature is expressed in the following words, which I quote from the memoranda of Professor Hall, now in my possession: "Contracts to commence from date of act, or to draw the six year's salary, &c., each party being responsible in his department, and to have the full control of \$2,000 annually, and the direction of the mode of expenditure of the same." This was presented as the joint opinion of Messrs. Hall and Carr, and as they adhered to it, and I was in the minority of the Commission, the matter was left with the Governor to decide.

I never gave a cordial assent to this basis, but was unwilling to keep the commission from organizing by what might seem a factious opposition. I therefore went with Professor Carr to the Governor's office to make our contracts. The division of labor was effected without difficulty, but in fixing the compensation, the impossibility of reconciling this basis with the bill became apparent. This led to a re-examination of the law, and a discussion of the matter at length, which took place mainly at Mr. Hopkins' office.

Professor Carr was present, while the contracts were being drawn, and his only objection at that time was that they con-

tained the provisions that the commissioners were only to be paid for the time that they were actively engaged, according to the last clause of sec. 3, of the bill. He contended that the contracts should be drawn so as to give each commissioner \$2,000 absolutely, without reference to the amount of service rendered the State. Mr. Hopkins, who drew the contracts, differed with him in the construction of the act in that respect, and submitted the question to the Governor. The Governor agreed with Mr. Hopkins as to the construction to be given to the law, and Mr. Hopkins so stated in Professor Carr's presence before the contracts were completed.

Professor Carr did not intimate that he should not sign the contracts on his part, but on the contrary agreed to meet the Governor and myself at Mr. Hopkins' office that evening to execute them. I went to the office at the time appointed, and found that the Governor had been there and executed all the contracts on his part. Professor Carr did not appear, and after waiting a short time I signed my contract supposing of course that Professor Carr would do the same when he came.

I never claimed that the survey was instituted solely for my benefit, nor insisted that "the management and control of it rightfully belonged to me," and if I had, such claim would of course have been foolish and impotent, as Messrs. Hall and Carr held the majority of the commission, and could control it in spite of me. The objection urged against my contract, that it is unlimited in respect to the amount which may be drawn under it from the appropriations vanishes at once when it is considered that the contracts offered to Messrs. Hall and Carr were in precisely the same terms. If they could not go into the field, they could send assistance there, as they had the appointing power in their hands. They could thus absorb the fund, and effectually check me from drawing more than my share. The Governor also is to settle with each commissioner under the bill, and it is not to be supposed that he would allow one commissioner to encroach upon the rights of another.

It is to be observed that the great points of difference between myself and Messrs. Hall and Carr, was not simply a claim on my part of an undue portion of influence in the survey, but a claim on their part of the absolute control of \$2000 annually, each. I insisted that the survey should be so organized that the parties actually in service, should be paid in proportion to their work at such rate as the Governor should fix. I did not think that the commission was empowered by the bill to fix their own salaries, even by unanimous agreement.

I accepted my contract from the State in good faith, and have endeavored to do my duty under it. The sum drawn from the treasury, though not large considering the amount of work done, is larger than it would have been, had Messrs. Hall and Carr accepted their contracts and co-operated with me.

I have had to do everything alone, and much of my season's work would be lost did I not carry it forward to completion by employing assistance. Thus, before I could make a report on the iron ores of the State, it was necessary to have some analysis, and I employed Dr. Jackson of Boston to make them, because Professor Carr's department was not filled.

Other similar items, as for instance, team, outfit, transportation, &c., came entirely upon me, which would have been shared by the other members of the commission, but which I could not avoid, and carry out my contract.

The above is a truthful statement of the material facts bearing upon this subject, as I remember them. I respectfully request that you obtain the testimony of Gov. Bashford, J. C. Hopkins, Esq., and Harlow S. Orton, Esq., as to the drawing and execution of the contracts.

I submitted the foregoing statement to Professor Carr, and gave him an opportunity to send in with it any explanation or addition that he might think proper.

EDWARD DANIELS.

Madison, Feb. 25th, 1858.

Referred to committee on State affairs.

RESOLUTIONS INTRODUCED.

By Senator Bean,
No. 79 S.

Resolved, That the Superintendent of Public Property be requested to inform the Senate, what amount of stationery, or other articles, have been furnished to each of the Legislative and State Departments, to which stationery was furnished by the State, during the year 1857.

By Senator Sutherland,
No. 80 S.

Resolved, That the Secretary of State be, and he is hereby requested to communicate to the Senate, how many copies of each, the first, second, third, fourth and fifth volumes of the Reports of the Supreme Court of Wisconsin, are now in his care, and how far distribution has been made of said Reports as provided by law.

Senator Hanchett gave the following

NOTICE.

I hereby give notice that I will, on some future day of the present session, introduce a bill for an act to create a right of redemption of all lands sold on the foreclosure of mortgages executed to Railroad Companies, whether such foreclosure is by judgment or decree of any court, or otherwise, such redemption to be made at any time within twenty-five years after such sale, by paying the principal sum due at the time of such sale, together with interest thereon at the rate of one per cent per annum.

HANCHETT.

RESOLUTIONS TAKEN UP.

Resolution by Senator Davis.

Resolved, That the Committee on the Judiciary be requested to report forthwith, No. 138, S., a bill for an act authorizing the borrowing of money on the faith and credit of the State, to pay certain bonds heretofore issued.

Senator Bennett moved to amend by striking out "forth-with," and insert "at their earliest convenience."

Senator Chase moved to indefinitely postpone.

The motion prevailed.

Joint resolution,

No. 33, S.

Whereas, It is no longer the settled policy of the National Government to dispose of the public lands for the sole purpose of deriving a revenue therefrom,

And,

Whereas, By every principle of sound national policy, not less than by the dictates of a generous philanthropy, a nation should aim to attach all citizens, and all persons proposing to become citizens, to its institutions,

Therefore,

Resolved by the Senate, the Assembly concurring, That the best interests of the whole country would be promoted by the passage of an act by the General Government, giving to every landless citizen, or person declaring intentions to become a citizen, one hundred and sixty acres of the public domain, according to the Government survey, *Provided*, That such person shall settle upon and improve for a continuous period of not less than five years.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our Senators and representatives in Congress.

The question being on the adoption of the resolution, and the yeas and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin—21.

Adopted.

Joint resolution,

No. 31, S.,

Resolved by the Senate, the Assembly concurring, That the legislature will not hereafter act upon any local or private bill, except on Mondays and Tuesdays.

Adopted.

Joint resolution,

No. 27, A.,

Instructing the Superintendent of Public Property to deliver 25 copies of Documentary History of Wisconsin to Gen. W. R. Smith.

Adoption concurred in.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee report back,

Bill, No. 199, S.,

To legalize the acts of certain officers in the county of Juneau.

And recommend its passage.

Nos. 138, S.,

Authorizing the borrowing of money on the faith and credit of the State to pay certain State Bonds heretofore issued.

175, S.,

To legalize the official acts of Benj. E. Hall, Superintendent of Schools for the city of Beloit.

176, S.,

To authorize garnishee suits in Justice's courts in certain cases.

174, A.,

To incorporate the Lake Michigan Transit Company.

With amendments, and recommend their passage, when so amended.

Also,

Bill, No. 30,

An act to amend an act to change the names of Elizabeth Brooks and Virginia Brooks. Approved March 13, 1855.

And recommend its passage.

February 27.

C. S. CHASE, Chairman,

By Senator Boyd,

The committee on incorporations, to whom was referred,
Bill, No. 340, A.,

A bill for an act to incorporate the Milwaukee Warehouse-
Company.

Have had the same under consideration and report the same
back with an amendment, and recommend its passage, when
so amended.

BOYD.

By Senator Smith,

The joint committee on enrolled bills have examined and
compared :

No. 114, A.,

An act to appropriate to Peter Coyne the sum of one hun-
dred and twenty dollars.

No. 116, A.,

An act to appropriate to Wm. Fitzpatrick the sum of one
hundred and twenty dollars.

No. 117, A.,

An act to appropriate to Wm. H. Miller the sum of one
hundred and twenty dollars.

No. 152, A.,

An act to appropriate to D. C. Poole the sum of fifty-three
dollars.

No. 157, A.,

An act to appropriate to John Keane the sum of one hun-
dred and twenty dollars.

No. 188, A.,

An act to appropriate to W. P. Towers the sum of one hun-
dred dollars and thirty-one cents.

No. 294, A.,

An act to appropriate to Addison C. Randall the sum of
sixty-five dollars.

No. 295, A.,

An act to appropriate to Richard Dunbar the sum of sixty
five dollars.

And,

No. 327, A.,

An act to extend the time for the collection of taxes for the year 1857, in certain towns and cities in the counties of Dodge and Winnebago.

And find the same correctly enrolled.

W. E. SMITH,

Of Senate.

W. C. WEBB,

Of Assembly.

February 27, 1858.

By Senator Tucker.

The committee on internal improvements to whom was referred the petition of inhabitants of the towns of Amherst and New Hope of Portage county beg leave to report a bill.

to read and discuss with Mr. McClellan.
By Senator Clark.

McCLELLAN.

REPORT

Of the Standing Committee on Privileges and Elections, in the matter of the contested seat from the Fourteenth Senatorial District.

Your Committee, to whom was referred the contested seat from the Fourteenth Senatorial District, have had the same under consideration, and after a careful examination and review of all the evidence presented in the case, beg leave to submit to the Senate the following statement of facts as they appear to your committee upon such examination.

By virtue of a former report of your Committee adopted by the Senate on the 19th day of January last, William Chappell appears before your Committee and the Senate as the sitting member, and William T. Buttler as the contestant.

The Fourteenth Senatorial District comprises the towns of Waterloo, Milford, Watertown and Ixonia and the first (1st), second (2d), third (3d) and fourth (4th) wards of the city of

Watertown, in the county of Jefferson; and the towns of Portland, Shields, Lebanon, Emmett and Ashippun; and the fifth (5th) and sixth (6th) wards of the city Watertown. These last five towns and two wards being in the county of Dodge.

The former report of your Committee was founded upon the certificate of a Board of District Canvassers, which certificate was accompanied by a statement of the votes of all the towns and wards of the Fourteenth Senate District—as that district was constituted by the apportionment bill of 1856—as the same were returned by the town and ward canvassers and by that statement it appeared that William Chappell, had fifteen (15) more votes than William T. Butler, the highest opposing candidate.

Among the returns canvassed by the Board of District Canvassers, were the returns of the election held in the second precinct of the town of Waterloo, in Jefferson county, at which poll there were cast eighty-four (84) votes and returned as follows, to wit:

For William Chappell, - - - - - 57

“ Jacob J. Enos, - - - - - 25

“ William T. Butler, - - - - - 1

And one vote without any legible name for Senator.

Also the return of the election held at the house of Michael Ames, in the town of Emmett, in Dodge county, at which poll there were seventy-five (75) votes cast for Senator; of which number William Chappell received sixty-eight votes, 68; William T. Butler received 3; and Jacob J. Enos received 4.

Thus the whole number of votes cast at the two above named polls were:

For Chappell, - - - - - 125 votes.

“ Butler, - - - - - 4

“ Enos, - - - - - 29

Chappell over Butler 121 votes.

The contestant, William T. Butler, claims a seat in this body as the legally elected representative from the fourteenth dis-

trict, charging fraud in conducting the election held in the two above named polls, and in canvassing the votes and returning the same, and to substantiate such charge, the committee have been put in possession of the deposition of certain witnesses whose evidence has been taken in accordance with law, and the resolution of the Senate upon that subject, which testimony is answered by the depositions of the several inspectors and clerks of those polls, and sundry other witnesses, all of whose testimony goes to rebut that of the witnesses called and sworn upon the part of the contestant.

The points presented by the contestant, Wm. T. Butler, are, that the frauds which he claims to have proven as having been perpetrated at the two above named polls, are such as to vitiate the elections there held, and that the returns from those polls should be entirely thrown out of the canvass, in which case he (Butler) would be elected, having the highest number of votes in the district after rejecting those returns.

For the evidence of such frauds at the polls held in the second precinct of the town of Waterloo, in Jefferson County, he relies upon the testimony of the following named witnesses sworn in his behalf; to wit: John Fisher, Franz Shurck, Andrew Monaghan, Thomas Alexander, Jacob Langlote, Wm. Wageman, Robert Woolfert, Edward McShane, Joseph Hanna, George Fergo and Christopher Fergo.

At this poll the returns show that William Chappell received 57 votes, Jacob J. Enos received 25 votes, William T. Butler 1 vote, and 1 vote from which Mr. Chappell's name had been erased, and some name, not legibly writted, inserted.

John Fisher testifies that he cant read English, but obtained his ticket from Franz Shurck.

Franz Shurck testifies that he can't read English, but obtained his ticket, and also one given to John Fisher, from Jacob Langlote; that he received tickets before and after voting, from other persons; voted in the forenoon.

Andrew Wonnaghen voted a ticket given him by Edward McShaur; supposed he voted for Butler, McShane told him so. Voted in the afternoon.

Thomas Alexander voted a ticket received from Edward McShane; had Butler on for Senator; voted about eleven o'clock; had other tickets; refused to answer whether he had other tickets before coming to the polls.

Jacob Langlote testified, that he voted a printed ticket with Butler's name on; believes he got it from Edward McShane, but does not recollect from whom. Gave tickets to Fisher Shurck and others; voted at eleven o'clock; had other tickets with Chappell's name on them; thinks he obtained the Chappell tickets from Rippent; saw Rippent when he first went to the polls in the morning.

Question.—Did you read *any* of the tickets given you that day.

Answer.—I guessed they had Chappell's and Butler's names on them; do not know how long after receiving the tickets before I voted.

Wm. Wageman testifies he believes he voted for Butler; changed a Republican ticket, put Butler's name on; afterwards received other tickets before voting; is not certain which he voted.

Robert Wolfert voted a ticket given him by McShane; did not alter the ticket or read it; had tickets from Rippert and others; voted the ticket received from Edward McShane; voted after dinner.

Edward McShane sworn.

Testifies that he gave tickets to Thomas Alexander, Andrew Monnaghn, James Leach, and Robert Wolfert; saw Alexander, Monnaghen, and Leach vote the tickets he gave them; and Butlers name was on them; also saw Wolfert vote a icket with Butler's name on it; had more Chappell tickets, than tickets for Butler; did not examine all the tickets he gave out; he read the one he gave to Alexander and the one he gave to Leach. He lives in the city of Watertown. Rippert lives in the city of Watertown.

Joseph Hanna changed a ticket by erasing the name of William Chappell and substituting the name of Butler, and certainly voted for Butler.

George Ferge testifies that he voted a ticket with Butler's name on it; cannot read much English; thinks, but is not sure Butler's name was written on the ticket; his brother Mick read it with him, and said it was all right.

Cross examined.

Other tickets were offered me; don't know whether I took them or not; the ticket I voted had Higgins' name, Joseph Hanna's name, and Butler's name on it; am not sure whether Butler's name was written or printed; I believe Butler's name was on for Senator; I am not sure that Hanna's name was on; I do not know what it means for Senator and Assemblyman; I know I voted for Butler; I voted for Higgins; don't know whether I voted for Pease or not; Hanna gave me the ticket I voted; do not know what office Hanna was running for; do not know that he was running for any office; told Chappell before election I thought I would vote for him; do not know whether I told him so since the election or not.

Christopher Ferge testifies that he voted a ticket that day given him by Edward McShane, who read the ticket to him, and read Butler's name on it. His brother Mick and Mr. Hanna both told him the ticket was all right, and he voted it about five minutes after receiving it; can't read English had no other ticket but the one given him by McShane.

Your committee were of the opinion that the testimony of the above named witnesses, not contradicted, would show that five of them, to-wit: A. Monaghan, T. Alexander, A. Wolfert, J. Leach and Joseph Hanna voted at that poll for William T. Butler, or intended so to vote, though most of them did not read English, and they were dependent upon others to inform them as to the names presented on the ticket, and the corroborating testimony of Edward McShane being necessary to perfect such prima facie evidence, except in the case of Joseph Hanna, whose evidence is clear and to the point, that he Hanna did vote for Butler.

In opposition to the testimony above given, William Chappell, the sitting member introduces the testimony of Josiah

Drew, Henry Guile, and Elbridge Gerry, inspectors, and D. W. Stiles and Elijah Favil, clerks of election in the second precinct, of the town of Waterloo, in Jefferson county, as to the manner in which said election was conducted and the votes canvassed, and of Antoine France, Frances Gabhardt, William Schmidt, and John F. Meyer, as to matter testified to by Edward McShane, and others, sworn for contestant.

Josiah Drew, sworn, testifies in substance, as follows: He is a citizen of the town of Watertown, and at the request of a Town Supervisor, attended the election held in the 2d precinct of that town, on the third day of last November, in order to act as an inspector—that he did act as an inspector, and in that capacity he deposited the ballots presented, in the box, the tickets having been first handed by the respective voters to Henry Guile, another inspector, who in turn passed them to this affiant, Drew.

The ballot-box used upon the occasion, was a small trunk belonging to this affiant, about eleven inches long by five inches in width, and the same in height, the cover was screwed down and the screw driver placed in the possession of Henry Guile, one of the inspectors. The usual formalities required by law were complied with, in the opening and conducting the election. At the noon adjournment, there were no wafers to be had for the purpose of fastening up the opening in the top of the box, through which the tickets were passed and I folded several thickness of paper over the hole, and tied it tight with my handkerchief; there were two holes in the top of the box, each about one and a half inches long by a quarter of an inch thick. I kept possession of the box during the whole time of the adjournment, and remained all the time in the room where the election was held, except that I went around the corner of the house for a necessary purpose and was absent from three to five minutes. When the Board met after dinner, it was observed that position of paper and handkerchief, was unchanged; there was but one room in the house, The rest of the Board approved of the manner in which the holes were covered.

At the closing of the polls, the clerks counted the poll lists and found them to agree, there were 84 votes cast. The tickets were then counted and there were 84 tickets. Mr. Gerry handed the tickets to me one at a time, and I read them and the clerks checked them. There was but one ticket with the name of William T. Butler printed on, and one ticket with Mr. Chappell's name erased, and some other name inserted, written with a pencil, but could not make out the name. Since I have heard the testimony of Joseph Hanna, I think that must have been his ticket. I did not go into any other building than the one where the election was held during the day, the ballot-box was constantly in my possession, and was not opened from the time it was first closed by me at the opening of the polls, until it was opened at the close of the polls.

Henry Guile testifies in substance as follows: I am a Supervisor of the town of Waterloo, in Jefferson county, and was, on the 3d day of last November, an inspector of elections in the 2d precinct in said town. Have heard the testimony of Josiah Drew, and know the same to be true as regards the manner of conducting the election on that day in the second precinct of the town of Waterloo. I think I read all the tickets after Mr. Drew called them off, and I discovered no mistakes. We took a recess of an hour at noon, took dinner in the same room where election was held, dinner occupied about half an hour. I noticed Drew was in the room nearly the whole time during the recess, he had possession of the ballot box all the time, holding it either in his lap or under his arm. I noticed particularly the manner in which Mr. Drew closed the box before dinner, and the manner in which the paper was placed over the hole, and I found it in exactly the same condition after dinner that I left it in before dinner. I have no idea that Mr. Drew had time, during his absence from my sight, to take any ballots from, or put any in the box. Elijah Favil, one of the clerks, declared off the result of the election, and he declared one vote for William T. Butler for Senator. I proposed to have Drew take charge of the box during the noon recess.

Elbridge Gerry testified in substance as follows: I am a resident of the town of Waterloo; acted as one of the inspectors of election in the 2d precinct of that town, on the 3d of November last. The facts set forth in the evidence of Mr. Drew, relative to the manner of conducting that election, is correct; testifies in substance the same as Mr. Guile relative to fastening box at noon. Mr. Drew, with the box, was in my sight during the whole recess except five or ten minutes he went out of doors and I went. I sorted out the tickets, and read them all before they were called off by Drew, and only one of those tickets had William T. Butler on for Senator; there was one ticket from which William Chappell's name was erased, and another substituted, but I could not read the name, and that vote was not canvassed for any one for Senator.

Cross examined.

I read over every ticket before they were passed to Drew; I noticed particularly the number of votes given for William T. Butler, because I was astonished there was not more of them. There could be no mistake, for there was but one vote for William T. Butler, and that was not found until near the last.

W. D. Stiles, Clerk of the election held in the 2d precinct of the town of Waterloo, in Jefferson county, on the 3d day of November last, corroborates substantially the testimony of the several inspectors.

Elijah Favil, Clerk of the election testifies that Mr. Drew with the box in his possession, was nearly the whole time of the recess, in his sight—corroborates the testimony of the rest of the board.

Antoine France testifies in substance: that on the 3d day of November he was present at the election held in the 2nd precinct of the town of Waterloo, and saw Edward McShane there, and that Edward McShane was distributing tickets with Chappell's name on, and gave this affiant about twenty such tickets, and asked this affiant to peddle them; heard McShane solicit voters to vote tickets with Chappell's name on them.

Cross-Examined.

I live in the village of Jefferson; I did not go to polls at the solicitation of Chappell; Chappell gave me five dollars for the use of my buggy; did not see McShane with any Butler tickets; did not hear him ask any one to vote for Chappell; I saw no one with Butler tickets except Kadish.

Francis Gabhardt testifies substantially as follows: I was at the polls in the 2d precinct of the town of Waterloo in Jefferson County on the 3d day of November last; formerly resided in that vicinity; am acquainted with most of the German settlers there; know Jacob Langlote; talked with him that day; said he would vote for Chappell; about 9 A. M. gave Langlote tickets with Chappell's name on; saw him give several of them to other voters; read the tickets after Langlote had peddled them; know John Fisher; gave him tickets that day with Chappell's name on; told me he had voted a ticket with Chappell's name on it; saw McShane there that day, and saw him peddle tickets with Chappell's name on them; McShane told me that he went for Chappell; I do not know Thomas Alexander; I gave Robert Wolfert tickets with Chappell's name on them, and he promised to vote that ticket; went out to work for Democratic ticket; am a Copper Smith, and reside in Watertown.

William Schmidt testifies in substance as follows:

I live in the Town of Waterloo in Jefferson County, and attended the polls of the 2nd precinct in that Town on the 3d day of November last; know McShane; McShane gave me tickets that day with Chappell's name on for Senator; he asked to give out those tickets to voters; I gave them to German voters; and I saw them vote those tickets; I do not know to whom I gave them; I saw Jacob Langlote that day with tickets for Chappell; did not see him give them out; came to that poll at request of Chappell; cannot read English except to read printed names on tickets.

John F. Meyer testifies I saw Edward Mc Shane, and Mc Shane told me that he had attended the election at Hog

Island (2d precinct) of Waterloo, and had done all he could for Chappell.

Elbridge Gerry testifies that the ballot box, used at the 2d precinct of the town of Waterloo, in Jefferson county, was a tight substantial box made of pine wood, and corresponding in size with the description given by Mr. Drew in his testimony. I think it was not painted, and did not resemble a cigar box.

The poll held at the house of Michael Ames, in the town of Emmet, in the county of Dodge, on the 3d day of November last, was a special poll. At this poll there were seventy-five votes cast for Senator, and returned as follows, to-wit: for William Chappell, sixty-eight, (68); for Jacob J. Enos, four, (4); and for William T. Butler, three, (3) votes.

The contestant, William T. Butler, introduces the depositions of sundry witnesses to prove that he, Butler, received more than three votes at this poll, and charges fraud against members of the Board of inspectors in the manner of conducting the election, and in canvassing and returning the votes.

The following witnesses were called and sworn on behalf of William T. Butler: Edward Borbridge, John Clifford, William Dowling, William Whitton, Fenton Thompson, Paul Thompson, Daniel Buckley, William Grange, Robt. Preston, and Patrick Cooper.

Edward Borbridge testified—I voted at the poll held at Michael Ames' house; I voted for William T. Butler.

John Clifford testified—I voted at the election held at the house of Michael Ames; voted a ticket which Mr. Dowling altered for me at my request, by erasing the name of Chappell, and inserting that of Butler; I cannot read.

William Dowling sworn.

I attended the election held at Michael Ames' house last November, and voted for Enos; I heard John Clifford testify; I remember that he came to me on election day to have me erase the name of Mr. Chappell, and write another name in

the place ; I do not recollect whose name, whether Butler or Enos ; I wrote the name he desired.

William Whitton voted a ticket which he received from Michael Ames.

Fenton Thompson erased the name of Mr. Chappell, and inserted the name of Mr. Butler on his ticket ; he also altered a ticket for his brother, Paul Thompson, but don't know that he voted it ; saw Mr. Snow write Mr. Butler's name on a ticket for Daniel Buckley ; I altered only two tickets ; I do not know that I wrote more than Butler ; I intended it for William T. Butler.

Paul Thompson sworn.

I cannot read ; my brother Fenton Thompson fixed a ticket for me, and I voted it immediately ; I had several other tickets, but as I could not read, I would not vote them.

Daniel Buckley sworn.

I voted at the election held at the house of Michael Ames, in the town of Emmet, last November, Mr. Snow offered me a ticket with Mr. Chappell's name on, I told him to alter it for Butler—he erased Chappell's name and wrote another name I could not read. Fenton Thompson, told me it was for Butler. I am positive I voted that ticket. Before I voted, other persons handed me tickets.

Fenton Thompson recalled by Mr. Chappell.

I was from two to four feet from Mr. Snow when he altered the ticket. I noticed no other name but that of Butler. I did not observe the initials.

William Gange sworn.

Refused to answer who he voted for.

Robert Preston sworn.

I voted for Mr. Enos.

Your committee are of the opinion that the above testimony not contradicted, would go to show that five of the deponents intended to vote for William T. Butler, and honestly believe that they did so, to-wit: Edward Borbridge John

Clifford, Fenton Thompson, Paul Thompson, and Daniel Buckley.

Mr. Butler also presents the depositions of Myron B. Williams, and of John O'Connor, Michael Norton, Lawrence Connor.

Lawrence Connor sworn, says in substance as follows :

I am one of the supervisors of the town of Emmet, in Dodge County, and acted as one of the inspectors at the election held at the house of Michael Ames, on the 3d day of November last. The ballot-box used on that occasion was an inside drawer about the size of a cigar box, with a shingle nailed over the top. I think the top was fastened with four shingle nails. It was a special poll—the hole in the top of the box was one and half or two inches long, and one-fourth of an inch wide—just wide enough to admit a folded ballot—the cover was made to fit—I think we used a hammer to nail it up. We had another ballot-box covered with paper which we used to receive the votes on the suffrage question. Theodore Medemeyer and John O'Connor, were the other inspectors, and Michael Norton and Patrick Huyles were the clerks. Polls were opened with the usual formalities required by law,—adjourned one hour for dinner; John O'Connor took possession of the ballot box; Most of the voting was done in the forenoon; do not know where O'Connor went with the box; I sealed up the box and handed it to him, did not see it again until opening of the polls after dinner; we dined together; I voted for Chappell; I assisted in the canvass; the clerks compared the poll lists; they agreed; the tickets were counted and agreed with the poll lists; I selected five tickets at a time of one kind, and told the clerks to mark five votes for each candidate on that ticket; I believe there were not five of any one kind, except of the regular democratic ticket; I mean the ticket that had Mr. Chappell's name on; I don't swear that I read all the names on those tickets, but I read all the names for Senator and Assemblyman; the reason I was particular was that there were two democratic candidates

running for the office of Senator; I handed the tickets either to Mr. Medemeyer or Mr. O'Connor; the clerks had no other way of knowing how the votes were except by my calling. After counting the straight tickets we counted the split tickets and I read them off, one by one; I mean by split tickets—those with Butler's name on; there were three (3) of them on the box; some were written and some were printed; Chappell's name had been printed on one; there were four republican tickets in the box, with Enos' name on for Senator; do not recollect the number of votes for Chappell; the clerks footed up and compared, and their check lists agreed; I filled out the returns, and I never filled out any returns showing that William T. Butler received 23 votes; the returns were then sealed up with the affidavits of the inspectors and given by me, and by me directed, to the Clerk of the Board of Supervisors of Jefferson County; I knew then and have remembered ever since how many votes William T. Butler received for Senator; I presented those returns to the Clerk of the Board of Jefferson county; he refused to receive them; said they should be sent to Clerk of the Board of Dodge county; I took them there myself, and delivered them to the Deputy Clerk of the Board; do not recollect that the vote was formally announced at the polls; I worked hard to secure Mr. Chappell's election; William Chappell furnished me with three dollars that day to buy whisky and I bought eight gallons; he furnished me about the same amount, for the boys at Ashippun, for the same purpose; I did not deal out or drink any whisky that day; I was a member of the convention that nominated Mr. Chappell; the canvass was fairly and honorably made, and the returns delivered to the Deputy Clerk of Dodge county, unaltered.

Wynn B. Williams sworn.

The testimony of this witness is unimportant.

John O'Conner sworn, says:

I was one of the inspectors of election at the house of Michael Ames in November last; when we adjourned at noon

I took charge of the box, after the same was sealed up; I handed it to Michael Ames who put it on the top shelf of a cupboard in the same room where we took dinner; I did not call for the box until the opening of the polls in the afternoon, I then particularly noticed that the covering of the hole was sealed up as we left it; am not certain whether or not I left the room during the recess, might have done so for the purpose of smoking. The further testimony of this witness tends to corroborate that of Lawrence Connor relative to the manner of conducting the election, and the result.

Michael Norton sworn, says :

I was a clerk of the election held at the house of Michael Ames in November last; I voted there for William Chappell. Corroborated the testimony of Lawrence Conner, as to the manner of conducting the election, and canvassing and returning the votes; I was out of the room for ten or twelve minutes before dinner; the dinner table was a few feet from the cupboard, where the ballot box was placed; I do not think John O'Connor was out of my sight during the recess; I did not leave the room after dinner; I saw where the box was put during recess, and I am very sure it could not have been meddled with without my seeing it; I could see the box during dinner, and afterwards all the time; I was present when the box was sealed up, and when the seal was removed, and it appeared the same as when it was sealed up before dinner.

Mr. Chappel presents the depositions of Theodore Wedemeyer, Michael Ames, and Lawrence Connor.

Theodore Wedemeyer sworn, says : I was one of the inspectors of the election held at the house of Michael Ames, in the town of Emmet, in November last.

The testimony of this witness fully corroborates that of other members of the Board, relative to the manner of conducting the election and canvassing the votes, and also the manner of sealing the box up at noon, and the condition of

the seals being unchanged at the re-opening of the polls in the afternoon.

Michael Ames sworn, says: I took the ballot box at noon from the hands of John O'Connor, and placed it on the top shelf of the cupboard; there was no door to the cupboard. I do not recollect who removed the box again from the cupboard; if I did so it was at the request of Mr. O'Connor. I voted and worked that day for Mr. Chappell; I was a member of the convention that nominated him, but did not go for him in convention.

Lawrence Conner sworn for Mr. Chappell.

Before the cover of the ballot box was fastened on, I turned the box upside down in presence of the Board, to show there was nothing in it.

There were not any votes canvassed or counted but what were found in the ballot box when opened at night.

Both ballot boxes were sealed by me, and handed to John O'Connor.

Your Committee are of the opinion that the testimony introduced by the contestant to prove fraud in canvassing the votes in the 2d precinct in the town of Waterloo in Jefferson County, is not of a sufficiently positive character, when opposed to the evidence produced by the sitting member, to warrant the charge of fraud against any acting inspector, or Cl'k of election at that poll, but your committee believe that the ballot not canvassed for any candidate for Senator, was intended for William T. Butler, and that said Butler is entitled to two votes at that poll, instead of one vote as returned by the canvassers.

Your committee are further of the opinion that the testimony introduced by the contestant, William T. Butler, when all taken together, relative to the election at the house of Michael Ames in the town of Emmett in Dodge County, is not conclusive of fraud in the manner of conducting said election or canvassing and returning the votes thereof.

The attention of your committee has been called to the law requiring ballot-boxes to be provided with a lock and key,

and to the fact that the boxes used at the two polls before mentioned, and did not possess those requisites.

By reference to pages 12 and 13, sections 33 and 34 of the election laws of the State of Wisconsin, the following provisions will be found:

SECTION 33. "There shall be provided and kept by the town clerk of each town, at the expense of said town, a suitable ballot-box with a lock and key."

SEC. 34. "There shall be an opening through the lid of such box, of no larger size than shall be sufficient to admit a single closed ballot."

Section 7, on page 6, contains the following provision:

"But nothing in this section contained, shall prevent the holding of two or more polls in one, when the same shall be ordered by the inspectors of election as hereinafter provided."

It appears by the testimony before your committee that both of the polls above mentioned, were especial polls, and as the law does not require that more than one ballot-box shall be kept by any one town, no ballot-boxes furnished with a lock and key were provided for these especial polls, and your committee are of the opinion that the ballot-boxes used at those polls, were guarded as securely as the nature of the circumstances would admit; and the want of a lock and key to the boxes, was not such an informality as to vitiate the election.

Your committee therefore recommend that William Chappell be retained in his seat as the Senator from the fourteenth (14th) district.

TEMPLE CLARK,
Ch'n of Committee.

By Senator Smith.

The joint committee on enrolled bills report that they have on this 27th day of February, 1858, presented to the Governor for his approval the following bills:

No. 49 S., an act to amend section seventeen of chapter two hundred and ninety-nine, of private and local laws of 1855,

entitled an act to incorporate the Sugar river valley railroad company, approved March 20th 1855.

No. 100 S., an act to legalize the proceedings of a school meeting in district No. 1, in the town of Pepin, and county of Dunn, and to authorize the collection of a tax.

No. 46 S., an act to appropriate to Edwin Palmer the sum of \$24 50.

No. 45 S., an act to appropriate to George W. Mygatt, the sum of \$35 00.

No. 69 S., an act to appropriate to Wisconsin State telegraph company, the sum of \$67 08.

No. 268 A., an act for the relief of tax payers in the towns of Janesville and Fulton, in the county of Rock.

No 146 A., an act to appropriate to Edward McGraw, State Prison Commissioner, the sum of money therein named.

No. 163 S., an act to appropriate to J. R. Cowdry, the sum of \$429 00.

No. 71 S., an act to appropriate to Maul & Grimm, the sum of \$15 00.

No. 53 S., an act to amend an act incorporating the city of La Crosse, approved March 4th, 1856.

No. 170 S., an act to extend the time for the collection of taxes in the county of Jefferson.

No. 114 A., an act to appropriate to Peter Coyne the sum of \$120.

No. 116 A., an act to appropriate to Wm. Fitzpatrick the sum of \$120.

No. 117 A., an act to appropriate to Wm. H. Miller the sum of \$120.

No. 152 A., an act to appropriate to D. C. Poole the sum of \$53.

No. 157 A., an act to appropriate to John Keane the sum of \$120.

No. 188 A., an act to appropriate to W. P. Towers the sum of \$100 31.

No. 294 A., an act to appropriate to Addison C. Randall the sum of \$65.

No. 295 A., an act to appropriate to Richard Dunbar the sum of \$65.

And,

No. 327 A., an act to extend the time for the collection of taxes for the year 1857, in certain towns and cities in the counties of Dodge and Winnebago.

Also, the following memorials:

No. 10 S., memorial to the Congress of the United States, in relation to the establishment of a rail route.

No. 12 S., a memorial to Congress for a mail route from Dubuque, Iowa, to Grant county, Wisconsin.

No. 13 S., memorial to Congress for the establishment of a mail route from Shullsburg, in La Fayette county, to Apple River Station, in the county of Jo Davies, in the State of Illinois.

Wm. E. SMITH, of Senate Com.

W. C. WEBB, of Assembly Com.

Senator Davis moved that the rules be suspended and all appropriation bills on general file be taken up, and those the passage of which are not objected to, be now considered.

The motion prevailed.

Rules suspended.

No. 138 S., a bill for an act authorizing the borrowing of money on the faith and credit of the State to pay certain State bonds heretofore issued.

Senator Davis offered the following amendment to the amendment of the committee.

Amend Sec. 1 by striking out the words "being the amount of the defalcation of Edward H. Janssen, late Treasurer," and insert, "being the amount in part heretofore appropriated for building the State Hospital for the Insane and the enlargement of the State Capital at Madison.

The question being on the adoption of this amendment, and the ayes and noes being demanded and had, were as follows:

Noes—Messrs. Bean, Bennett, Chappell, Chase, Hanchett, Joiner, Kingston, Martin, Smith, Sutherland, Virgin—11.

Ayes—Messrs. Boyd, Clark, Cook, Davis, Giles, Mears, Pier, Proudfit, Schulteis, Tucker—10.

The amendment to the amendment was rejected.

The amendment of committee concurred in and adopted.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Virgin—20.

Noes—Messrs. Cook, Schulteis—2.

Title as amended agreed to.

No. 193 A.

A bill to appropriate to Charles Beger a sum of money therein named.

Senator Schulteis moved to amend by striking out "\$40 50" and insert "\$49 00."

The amendment was rejected.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Martin, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin—20.

Title agreed to.

Senator Sutherland asked unanimous consent that after receiving third reading, bills be laid aside, and question on their passage be taken collectively.

Senator Martin objecting,

Senate refused so to proceed.

The following bills were severally read the third time—passed—by ayes and noes as specified, and titles agreed to.

No. 203 S.

A bill for an act appropriating to Nathan Waterbury, the sum of \$38 40.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Mears, Pier, Proudfit Schulties, Smith, Sutherland—20.

No. 154 S.

A bill for an act to appropriate to Tibbetts & Gordon a sum of money.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Hannhett, Joiner, Kingston, McClellan, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker—20.

Noes—Messrs. Martin, Virgin—2.

No. 153 A.

A bill to appropriate to S. Klauber & Co. the sum of money therein named.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Hanchett, Joiner, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker—17.

Noes—Messrs. Chase, Kingston, Martin, Schulteis, Virgin—5.

No. 186 S.

A bill for an act to appropriate to J. D. Welch the sum of \$89.50.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, Kingston, McClellan, Martin, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin—23.

No. 137 S.

A bill for an act to appropriate to Mossin and Man the sum of money therein named.

The question being on concurring in the amendment of committee, and the ayes and noes being asked and ordered,

As follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Joiner, Kingston, McClellan, Martin, Pier, Schulteis, Smith, Tucker, Virgin—14.

Noes—Messrs. Clark, Cook, Giles, Mears, Proudfit, Simpson, Sutherland—7.

The amendment was adopted.

Senator Sutherland moved to lay on the table.

Not agreed to.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kingston, McClellan, Martin, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin—18.

Noes—Messrs Cook and Mears—2. j

No. 173 S.

A bill for an act to appropriate to A. L. Sly, the sum of \$407 50.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Joiner, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Tucker—16.

Noes—Messrs. Schulteis, Sutherland, Virgin—3.

No. 169 S.

A bill for an act to appropriate to Andred Bishop, the sum of \$436.

Ayes—Messrs. Bean, Boyd, Chappell, Clark, Cook, Giles, Joiner, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker—14.

Noes—Messrs. Bennett, Chase, Hanchett, Schulteis, Virgin—5.

No 202, S.

A bill for an act to appropriate to Joseph Schanz the sum of \$25.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Hanchett, Joiner, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Virgin—19.

No. 158 S.

A bill to appropriate to C. W. Cook the sum of money therein named.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Hanchett, Joiner, Kingston, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker—18.

Messrs. Martin, Schulteis, and Virgin voted in the negative.

REFERRED.

No. 246 A.

A bill to provide for the payment of the Clerk of the Revisors.

Ordered to third reading.

Senator Cook moved to amend section 1 by striking out "the same as that allowed to enrolling and transcribing clerks by the present Legislature," and inserting "four dollars."

Not receiving the unanimous consent of the Senate,

Senator Clark objecting,

The amendment was rejected.

Senator Clark moved to amend by inserting "three dollars" as the per diem.

Senator Cook objecting.

The amendment was rejected.

Senator Sutherland moved to re-commit to committee on claims, with instructions to report Bill allowing \$3 per diem.

The chair decided the motion not in order.

Senator Sutherland objected to the passage of the bill, and asked that it be laid aside.

Which the chair ruled out of order, said bill being on third reading.

Senator Virgin moved to refer to committee on claims.

The ayes and noes being called for and taken, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Joiner, Kingston, Martin, Pier, Schulteis, Smith, Sutherland, Virgin—13.

Noes—Messrs. Chase, Cook, Davis, Giles, Hanchett, McClellan, Mears, Proudfit, Simpson, Tucker—10.

The motion prevailed.

No. 94 S.

A bill for an act entitled An act to appropriate a certain sum of money therein named, to defray the contingent expenses of the present year.

The question being on concurring in the amendment of the committee.

Senator Cook moved to amend the amendment by striking out "\$6,000," and inserting "\$5,000."

The ayes and noes being called for and had, were as follows:

Ayes—Messrs. Bean, Beunett, Chappell, Cook, Davis, Joiner, Kingston, Martin, Pier, Proudfit, Schulteis, Simpson, Sutherland and Tucker—14.

Noes—Messrs. Boyd, Chase, Clark, Giles, Hanchett, Mears, Smith and Virgin—8.

The motion prevailed.

The amendment as amended was then adopted.

Senator Chase moved to refer to the committee on claims.

They ayes and noes being demanded and had, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Joiner, Kingston, Mears, Pier, Smith and Sutherland—11.

Noes—Messrs. Chappell, Clark, Cook, Giles, Hanchett, Martin, Proudfit, Schulteis, Simpson, Tucker, Virgin—11.

The motion was declared lost.

Senator Bean moved to replace said bill on general file.

Not agreed to.

Senator Cook moved a reconsideration of the vote by which the Senate refused to refer to committee on claims.

The motion prevailed.

Referred to committee on claims.

No. 115 S.

A bill for an act to appropriate to John C. Bunner, the sum of three hundred dollars.

Referred to committee on claims.

On motion of Senator Hanchett.

Rules suspended, and

Nos. 145 S., and 153 S., taken from general file.

No. 145 S.

An act to legalize the records of the office of Register of deeds in the county of Waupacca.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 153 S.

An act to amend section one of chapter 264 of the private and local laws of 1857, entitled an act to incorporate the village of Waupacca.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Leave of absence was granted to Senators Giles, Maxon and Cook, until Monday evening.

Senator Sutherland moved to adjourn.

The ayes and noes being called for and ordered,

Were as follows:

Ayes—Messrs. Boyd, Kingston, Martin, Mears, Pier, Simpson, Smith, Sutherland—8.

Noes—Messrs. Bean, Bennett, Chase, Cook, Davis, Hanchett, Joiner, Proudfit, Schulteis, Tucker—10.

Senate refused to adjourn.

Senator Hanchett moved to adjourn until Monday 4 o'clock P. M.

The ayes and noes being demanded were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Cook, Davis, Hanchett, Joiner, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Tucker—14.

Noes—Messrs. Chase, Kingston, Pier, Sutherland—4.

Senate adjourned until 4 o'clock Monday P. M.

SENATE CHAMBER, }
March 1st, 4 o'clock P. M. }

Senate met pursuant to adjournment.

Senator Sutherland in the Chair.

Roll of Senators called.

Senators Cook, Greulich, Kimball, Maxon, Proudfit, Simpson, Walsh and Wheeler absent.

Journal of Saturday read and corrected.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Davis.

Petition of D. Wilcox and others, in regard to a certain State road.

To committee on roads, bridges and ferries.

By Senator Tucker.

Two petitions of citizens of the counties of Bad Ax and La Crosse, etc., concerning a rail road.

To committee on railroads.

RESOLUTIONS INTRODUCED.

By Senator Martin.

Joint resolution requesting the passage of a resolution by Congress, relative to the route of the Railroad from Fond du Lac to Lake Superior.

Resolved by the Senate, the Assembly concurring, That the Congress of the United States be, and hereby is requested to pass a joint resolution authorizing such a construction of the act entitled, "an act granting public lands to the State of Wisconsin to aid in the construction of Railroads in said State," approved June 3d, 1856, that the location of the line of Railroad from Fond du Lac to the northern boundary of this State may be made upon the most eligible route within the district of country embraced in ranges seventeen to twenty-three, inclusive, east of the fourth principal meridian, and that said route may be continued from its terminus on the said boundary line, to Marquette and to Ontonogon in the State of Michigan.

Resolved, That a copy of the foregoing resolution be forwarded to each of the Senators and Representatives from this State in Congress, to be presented to the respective branches of that honorable body.

RESOLUTIONS TAKEN UP.

Resolved, That the Superintendent of Public Property be requested to inform the Senate, what amount of stationery, or other articles, have been furnished to each of the Legislative and State Departments, to which stationery was furnished by the State, during the year 1857.

By Senator Sutherland.

Adopted.

No. 80 S.

Resolved, That the Secretary of State be, and he is hereby requested to communicate to the Senate, how many copies of each, the first, second, third, fourth and fifth volumes of the Reports of the Supreme Court of Wisconsin, are now in his care, and how far distribution has been made of said Report as provided by law.

Adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bennett,

No. 212 S.

A bill for an act to regulate the manner of letting and executing the public printing, and auditing the accounts for the same.

To committee on printing.

By Senator Martin,

No. 213 S.

A bill recommending to the electors of this State to vote for or against a convention to revise the Constitution.

To committee on the judiciary.

COMMITTEE REPORTS.

By Senator Warren.

Committee on Engrossed Bills report:

Bill No. 138, S., bill No. 160, S., bill No. 161, S., bill No. 113, S., bill No. 105, S.,

Correctly engrossed

J. H. WARREN, Chairman.

By Senator Davis.

The committee to whom was referred No. 156, Senate, a bill to extend the time for the payment of the interest due on the Swamp Land and School Fund of this State," have had the same under consideration, and report the same back with amendments, recommending its passage.

M. M. DAVIS, Chairman.

By Senator Smith.

The Joint Commtee on Enrolled Bills report that they have examined and compared the following bills. and find the same correctly enrolled :

No. 76 S.,

An act to incorporate the Oconto Lumbering Company.

No. 183 S.,

An act to regulate the terms of the Circuit Court in the county of Waupaca.

No. 184 S.,

An act to extend the time for the collection of taxes in the town of Madison.

WM. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Smith,

The committee on education, school and university lands to which was referred,

No. 121, A.,

A bill for act to authorize school district No. 5, in the town of Platteville, in Grant County, to loan money.

Report the same back to the Senate, with a substitute.

J. SUTHERLAND,

Wm. E. SMITH,

Of Com. on Education, &c.

By Senator Davis,

The committee to whom was referred,

No. 123, S.,

An act in relation to Insurance.

Have had the same under consideration and report it back with sundry amendments, and when so amended recommend passage.

The same committee, to whom was referred,

No. 136, S.,

A bill to incorporate the Osceola Literary Association of Polk County.

Have considered the same and report it back and recommend that it be laid on the table.

M. M. DAVIS.

Chairman.

By Senator Boyd.

The committee on printing, to whom was referred bill No. 194 S., report the same back without amendment, and recommend its passage.

J. W. BOYD, Chairman.

BILLS PASSED.

Senator Virgin moved that the rules be suspended, for the purpose of considering No. 121 A., and such appropriation bills, as were not considered Saturday upon which the rules were suspended.

The motion prevailed.

Substitute for No. 121 A.

Read first and second times.

Rules suspended.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—22.

Title agreed to.

No. 195 A.

A bill to appropriate to Charles Holt a sum of money.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Davis, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—20.

Senator Martin voted in the negative.

Title agreed to.

No 194 A.

A bill to appropriate to Friend & Brethers a certain sum of money therein named.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Davis, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—22.

Title agreed to.

No. 204 S.

A bill to appriote to J. C. Lewis the sum of \$38,40.

Read third time.

Passed.

Ayes—Bean, Bennett, Boyd, Clark, Davis, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Worthington—18.

Noes—Messrs. Chappell, Chase, Martin, Virgin—4.

Title agreed to.

No. 93 S.

A bill for an act entitled an act to appropriate a certain sum of money to defrey the incidental expenses of the Governor.

And,

No. 195 S.

A bill for an act to appropriate to the Wisconsin Institute for the Deaf and Dumb. a sum of money, \$20,000.

Referred to Committee on Claims.

Senator Smith moved to suspend rules for the purpose of considering No. 156, S., a bill for an act to extend the time for the payment of the interest due on the Swamp Land and School Fund of the State.

Senate refused to suspend rules.

Senator Clark renewed the motion.

The motion was withdrawn.

On motion of Senator Clark,

No. 154, S.

A bill for an act providing for the organization, enrollment, and discipline of the Militia of the State of Wisconsin.

Made special order for to-morrow evening, 7 1-2 o'clock.

On motion of Senator Chase,

Account of A. D. Smith taken from table,

And.

Referred to Committee on Judiciary.

Senator Hanchett moved that in the absence of the President, *pro tem.* to-morrow, Senator Sutherland act as presiding officer.

The motion prevailed.

On motion of Senator Martin,

Senate adjourned.

SENATE CHAMBER,
March, 2d 9 o'clock, A. M. }

Senate assembled.

Senator Sutherland, President *pro tem.*, in the chair.

Rev. Mr. Millour officiated as chaplain.

Roll of Senators called.

The absentees were Messrs. Clark, Cook, Giles, Martin, Proudfit, Walsh and Wheeler.

Journal of yesterday read and adopted.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Tucker.

Three petitions of citizens of the counties of Richland, Bad Axe and La Crosse, for the chartering of a Railroad from Muscoda to La Crosse.

To Committee on Rail Roads.

By Senator Joiner.

Petition of A. C. Eastman, and other citizens of Richland county, asking to be set off from the fifth to the sixth Judicial circuit.

To Committee on Judiciary.

By Senator Proudfit.

Account of Darwin Clark against the State.

To Committee on Claims.

Also,

Two accounts of A. S. Wood against the State.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Wheeler.

Joint Resolution No. 35 S.

Resolved by the Senate the Assembly concurring, That the two houses of this Legislature, will take a recess from Monday the 8th day of March, inst., until Wednesday, the 16th day of June next, and that the joint committee of investigation, of which Senator Worthington is chairman, and the judiciary committees of the Senate and Assembly, acting jointly upon the report of the revisors, be authorized and directed to sit during the recess, and report their doings to the Legislature at its session in June. Provided, however, that no mileage or per diem shall be certified or paid to any member or officer for travel or attendance during such recess, except to those employed upon one or more such committees.

By Senator Bean.

Whereas, It appears from the report of the standing committee on privileges and elections, in the matter of the contested seat from the 14th Senatorial District, that at the poll held at the house of Adolph Bartosh, in the town of Waterloo, in said district, one ballot was not canvassed for any candidate for Senator—the inspectors not being able to make out any name thereon, for said office—and that at said poll, the box used as a ballot-box, was “a small trunk, about eleven inches long, by four inches in width, and the same in height, the cover of which was screwed down”—said box or “trunk” being without a lock or key, and having two holes in the top, neither of which was sealed at the noon adjournment; and, also, that at the poll held at the house of Michael Ames, in the town of Emmett, in said district, the box used as a ballot-box, was “an inside drawer, about the size of a cigar-box, with a shingle nailed over the top”—said box or drawer, being also without lock and key:—And, whereas, questions of grave legal importance grow out of said facts, to-wit:

1. Whether the Senate can legally and justly declare that the ballot referred to (upon the face of which the inspectors could not make out any name, whatever, for the office of Senator,) was intended for William T. Butler, or that said Butler is entitled thereto?

2. Whether the boxes used at said polls for ballot-boxes, were ballot-boxes within the true interest and meaning of the statutes, in such case made and provided? and

3, Whether, in case said boxes were not good and legal ballot-boxes, the election held at said polls, or either of them, would be therefore void? therefore,

Resolved, That said report, together with the depositions and accompanying papers be, and the same is hereby referred to the committee on judiciary.

Resolved, That said committee be, and they are hereby instructed to report in said matter as soon as conveniently may be.

Rules suspended.

Senator Tucker moved to amend by submitting the whole evidence to the committee.

The amended was accepted.

Upon the adoption of the resolution, as amended, the ayes and noes were called for and had, and were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Greulich, Hanchett, Joiner, McClellan, Mears, Schulteis, Smith, Sutherland, Tucker, Warren, Walsh, Worthington—17.

Noes—Messrs. Chase, Kimball, Martin, Maxon, Simpson, Virgin, Wheeler—7.

Resolution adopted.

Joint resolution,

No. 34 S.

Joint resolution requesting the passage of a resolution by Congress, relative to the route of the Railroad from Fond du Lac to Lake Superior.

Resolved by the Senate, the Assembly concurring, That the Congress of the United States be, and hereby is requested to pass a joint resolution authorizing such a construction of the act entitled, "an act granting public lands to the State of Wisconsin to aid in the construction of Railroads in said State," approved June 3d, 1856, that the location of the line of Railroad from Fond du Lac to the northern boundary of this State may be made upon the most eligible route within the district of country embraced in ranges seventeen to twenty-three, inclusive, east of the fourth principal meridian, and that said route may be continued from its terminus on the said boundary line, to Marquette and to Ontonagan in the State of Michigan.

Resolved, That a copy of the foregoing resolution be forwarded to each of the Senators and Representatives from this State in Congress, to be presented to the respective branches of that honorable body.

Laid on the table.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Joiner.

No. 214 S.

A bill for an act to attach Richland county to the sixth circuit for judicial purposes.

To committee on the judiciary.

By Senator Simpson,

No. 215 S.

A bill for an act to vacate a part of the town plat of White Oak Springs and Williams' addition, in the county of La Fayette.

To committee on town and county organization.

By Senator Worthington,

No. 216 S, a bill for an act to incorporate St. John's Hall,
To Committee on Incorporations.

By Senator Walsh,

No. 217 S., a bill for the apportionment of School money to School District number 8, in town of Greenfield, Milwaukee county,

To Committee on Education, School and University Lands.

By Senator Tucker,

No. 218 S, a bill for an act to Incorporate the Whitcomb Lumber Company,

To Committee on Incorporations.

By Senator Walsh,

No. 219 S, a bill for an act to Incorporate the Wisconsin State Insurance Company,

To Committee on Incorporations.

By Senator Proudfit,

No. 220 S, a bill for an act to authorize a temporary loan to the Board of Regents of the State University,

To Committee on State Affairs.

COMMITTEE REPORTS.

By Senator Warren,

Committee on Engrossed Bill report bill

No. 6, S.

A bill for an act to incorporate Kilbourne University,
Correctly engrossed.

J. H. WARREN, Chairman.

By Senator Smith.

The Committee on Education, School and University Lands, to whom was referred the Executive communication appointing a Board of Regents, under an act entitled, "an act for the encouragement of Academies and Normal Schools," have had the same under consideration, and have instructed me to report the same back to Senate, with the recommendation that it be made the special order for Wednesday, March 3d, at 10 1-2 o'clock, A. M.

WM. E. SMITH,

of Com. on Education.

Message from his Excellency the Governor.

EXECUTIVE DEPARTMENT,

Madison, February 27, 1858. }

TO THE HON. THE SENATE—

A bill, entitled "an act to amend an act to organize the county of Juneau and locate the county seat thereof, approved October, 13, 1856, has been presented to me for my signature and approval. Section five, of the act sought to be amended, required the Register of Deeds of Adams county, as soon as might be, to transcribe the records relating to real estate, situated in the territory embraced in the county of Juneau, and to deliver the same to the Register of Deeds, should be elected in the county of Juneau, &c. The repeal of section five of the act of 1856, by this act, and the clause requiring the transcribing of the records according to section 33 of chapter 59 of the revised statutes, are of so material a character and involve questions so serious a nature as to warrant their being again brought to the attention of the Legislature. The records authorized to be transcribed run through upwards of four years. The Register of Deeds of the county of Adams entered upon the work of transcribing the records, according to the provisions of the act of 1856, and has

so far progressed that a very large proportion of the labor has already been performed. He was to do the work "as soon as may be," which means in law as soon as the work could be practically done, in the exercise of reasonable diligence, taking into consideration the character of the services to be performed, and the facilities furnished for performing the services required by law. If the present act were to become a law, the whole work of transcribing already completed, would be wholly lost to the county of Juneau, and that already done would necessarily have to be done again. The evidence furnished by county officers of the county of Adams does not show that the Register of Deeds of the county of Adams has not used all due diligence about his work of transcribing the said records; but, on the contrary, it does show that the facilities for transcribing the said records, furnished by the proper authorities of the county of Adams, without any fault of the Register of Deeds of that county, were entirely inadequate for the transaction of the public business, and as the law of 1856 fixed no stated limit to the time within which the work was to have been done, there is no evidence that the work of transcribing the records was not in process of being done, "as soon as might be," within the meaning of the act of 1856. If the present bill becomes a law, and the Register of Deeds of Adams county has been faithful in the effort to perform the work required of him, it would be a manifest wrong, and work great injustice to him to leave the work unfinished on his hands, with his labor unrequited. Another question of some importance arises, which might lead to difficulty and confusion. The records, when transcribed according to law, becomes evidence equally with the original records, and so far as they have been transcribed already, might be held by the courts to be evidence equally with the original records. It is clear to my mind that if section five of the act of 1856 is to be repealed, there should be some provision, to avoid injustice, to accept the records already transcribed, and arrange a settlement with the Regis-

ter of Deeds of the county of Adams, and not drive him to a lengthy, expensive and doubtful controversy, for services performed under the law. As at present advised I cannot sign this bill, and return it to the Senate, where it originated, with these objections, for the further and careful consideration of the Legislature.

ALEX. W. RANDALL.

Senator Davis moved to postpone the consideration of the message until Friday.

Senator Clark moved to amend by referring to select committee of three, of which committee Senator Kingston to be chairman.

Senator Davis asked leave to withdraw his motion.

Senator Chase objecting.

Leave was not granted.

The question being on postponement until Friday.

Senator Worthington offered the following amendment :

And that a committee of three, of whom the Senator from the 9th shall be chairman, be appointed to report at that time the facts pertaining to the case.

The amendment was agreed to.

The motion as amended prevailed.

Senators Kingston, Davis and Bennett were appointed to act as such committee.

Message from the Assembly.

The Assembly has concurred in the passage of

No. 177 S, a bill for an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire and Waupaca,

With amendment.

The Assembly has concurred in the Senate amendment to No. 348 A, a bill for an act to extend the time for collecting taxes in the town of Black Earth, in the county of Dane.

And have ordered

No. 6 S, a bill to incorporate Kilbourn University, to be sent back to Senate for engrossment.

The Assembly has also concurred in the passage of

J. Res. No. 25 S,

Resolved, by the Senate, the Assembly concurring, That the judiciary committees of the two Houses of the Legislature be and they are hereby instructed to inquire whether the printing of the Statutes of this State, as revised by this Legislature, comes within the provisions of the contract for the State printing; and if not, that the printing committee thereof be instructed to receive proposals for printing and binding of the Revised Statutes, and report the same to the Legislature at as early a day as practicable;

Without amendment.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed:
No. 5 A.

A bill for an act to authorize the county of Sheboygan to loan its credit to purchase a poor farm, and erect buildings thereon.

No. 15 A.

A bill for an act to lay out a state road in Monroe, Jackson and Clark counties.

No. 64 A.

A bill for an act to vacate a part of Humes' addition to the village of Omro.

No. 99 A.

A bill for an act to vacate a certain alley in the city of Hudson.

No. 83 A.

A bill for an act to appoint commissioners to lay out a state road from Orion, in Richland county, to Sparta, in Monroe county.

No. 143 A.

A bill for an act to authorize the Register of Deeds of Eau Claire county, to procure certain records.

No. 135 A.

A bill for an act to lay out a state road from Welaunee, in Winnebago county, to Stevens Point, in Portage county.

No. 147. A.

A bill for an act to authorize the laying out and establishing a state road from the village of Markesan, in the county of Marquette, to the town of Courtland, in Columbia county.

No. 161. A.

A bill for an act to change the name of the Wisconsin Express Company, that of the Central Express Company.

No. 167. A.

A bill for an act to amend an act entitled an act to incorporate the city of Hudson, approved March 6, 1857.

No. 166. A.

Entitled a bill for an act to incorporate the Hudson City & St. Croix Fall turnpike road company.

No. 178. A.

A bill for an act to amend the charter of the Wisconsin State Insurance Company, and an act amendatory thereto, approved March 4, 1857.

No. 205. A.

A bill for an act to lay out a State road from New London, in Waupaca county, to Peterson's Mill, in Shewano county.

No. 208. A.

A bill for an act to change the name of the State Insurance Company, incorporated by an act approved April 2, 1853, and amended by an act approved March 28, 1854.

No. 223. A.

A bill for an act for the relief of school district No. 1, in Half Moon Lake township.

No. 240. A.

A bill for an act to authorize joint school district No. 11, of the towns of Portland and Waterloo, in the county of Jefferson, to collect a tax therein named.

No. 8. A.

A bill for an act to exempt sixty days' earnings to mechanics and laborers.

No. 155. A.

A bill to appropriate to Samuel R. Fox, the sum of money therein named, for hardware furnished the State.

No. 367 A.

A bill for an act to divide the county of Marquette, and erect the county of Green Lake.

No. 115 A.

A bill for an act to appropriate to Silas E. Pearson the sum of money therein named, to-wit: \$255 00.

In which the concurrence of the Senate is requested.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed No. 280, A.,

Entitled, a bill for an act to repeal chapter 232, private laws of 1857, entitled an act to authorize the town of Rock, in Rock county, to borrow money, to aid in the construction of a bridge across Rock river, in said town.

No. 247, A.,

An act to repeal an act entitled an act to prevent the destruction of fish in the county of Waukesha.

No. 217, A.,

A bill for an act to amend chapter 437, of the private and local laws of 1856, entitled, "an act to incorporate the village of Weyauwega."

And,

No. 297, A.,

A bill for an act to appropriate to G. W. Mitchell the sum of \$20.

And,

Memorial No. 83, A.,

A memorial to Congress for the establishment of a tri-weekly mail route from Broadhead, in Green county, via Albany, Attica, Exeter and Dayton, to the city of Madison, in Dane county.

In which the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed

Mem. No. 142 A., memorial to congress for the establishment of a mail route.

No. 260 A., a bill for an act to appropriate to O. C. Buck & Co., the sum of \$407 81.

Mem. No. 135 A., memorial to congress for a mail route from Black River Falls, in Jackson county, via Trempealeau valley to Fountain City, in Buffalo county.

Mem. No. 154 A., memorial to congress for a mail route from Darlington, in La Fayette county, to Platteville, in Grant county.

No. 296 A., a bill for an act to appropriate to J. D. Welch the sum of \$352.

No. 261 A., a bill for an act to appropriate to John H. Lewis the sum of \$306 56.

No. 293 A., a bill for an act to appropriate to Johan Johanson the sum of \$25 50.

No. 264 A., a bill for an act to appropriate to Wood R. Beach the sum of \$32.

No. 262 A., a bill for an act to appropriate to Mortimer L. Sayles the sum of \$11 10.

No. 263 A., a bill for an act to appropriate to David Burdell the sum of \$195 58.

No. 207 A., a bill for an act to change the name of George Henry Webster to George Henry Colgrove, and to make him the heir-at law of Hiram Colgrove.

No. 95 S., a bill to appropriate to J. H. Castle, sheriff of Waukesha, the sum of \$40, for conveying convicts to State's prison.

No. 164 A., a bill for an act to provide for taking testimony in criminal cases.

No. 212 A., a bill for an act to authorize the State Superintendent to apportion to the counties of Columbia, Dane and Jackson the sums of money therein named.

No. 301 A., a bill for an act concerning school moneys in certain cases;

And,

Joint Res. No. 24 A.

Instructing judiciary committee to have amendments to statutes printed.

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of

No. 107 S, a bill for an act to provide for laying out a State road from Belmont, in La Fayette county, to the Junction House, in Grant county.

No. 68 S, a bill for an act to amend chapter 416 of the session laws of 1852, entitled an act to incorporate the Dodge County Mutual Insurance Company, approved April 17th, 1852.

No. 59 S, a bill to incorporate the Madison Gymnastic Association.

No. 110 S, a bill for an act to amend an act entitled an act to lay out a State road therein named, approved March 31st, 1856.

No. 118 S, an act to prevent obstructions in Hemlock river.

No. 120 S, a bill for an act to incorporate the Manitowoc Seminary.

No. 130 S, a bill for an act to legalize the assessment and assessment roll of the town of Franklin, in Bad Ax county, for the year 1857.

No. 127 S, a bill for an act to legalize the official acts of Lewis Hedges, a Justice of the Peace, of the town of Rushford, in the county of Winnebago.

No. 64 S, a bill for an act to change the name of Martha Rozilla Vantyne to Martha Rozilla Bierce, and to establish her heirship.

No. 142 S, a bill to amend an act to incorporate the fire department of the city of Janesville, approved March 5, 1857.

No. 83 S, a bill to amend an act to authorize the Board of Supervisors of Milwaukee county to issue bonds therein named approved March 25, 1856.

No. 144 S, an act to authorize the register of deeds in and for Waupaca county to make a grantee and grantors index, and to transcribe certain records therein named.

Mem. No. 15 S, memorial to Congress for amount due from the sale of public lands lying within this State.

Mem. No. 11 S, memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac.

Mem. No. 14 S, memorial to Congress praying the establishment of several mail routes within mentioned.

ASSEMBLY BILLS,

READ FIRST AND SECOND TIMES AND REFERRED.

No. 367 A.

To committee on town and county organization.

Nos. 247 A., 217 A., 64 A., 99 A., 143 A., 8 A., 161 A., 164 A., and 207 A.

To committee on the judiciary.

Nos. 208 A., 15 A., 83 A., 135 A., 205 A., and 147 A.

To committee on roads, bridges and ferries.

No. 5 A.

To committee on finance.

Nos. 178 A., 208 A., 167 A., and 166 A.

To committee on incorporations.

Nos. 223 A., 240 A., 212 A., and 301 A.

To committee on education, school and university lands.

Nos 297 A., 115 A., 155 A., 261 A., 293 A., 263 A., 264 A. 296 A., 262 A. and 260 A.

And, also referred

Memorials Nos. 83 A., 135 A., 142 and 154 A.

To general file.

And, also referred

BILLS PASSED.

Senator Greulich moved a suspension of the rules for the purpose of taking from general file and considering,

No. 156, S. and Nos. 17, A., 296, A. and 297, A.

The motion prevailed.

Rules suspended.

No. 17, A.,

A bill for an act to incorporate the Columbia Stadt and Ban Verein, of Milwaukee.

Ordered to a third read reading.

Read third time.

Passed.

Title agreed to.

No. 296, A.,

A bill for an act to appropriate to J. D. Welch the sum of \$352 00.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—26.

Title agreed to.

No. 297 A.

An bill for act act to appropriate to G. W. Mitchell, the sum of \$20.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—26.

Title agreed to.

No. 156 S.

A bill for an act to extend the time for the payment of the interest due on the Swamp Land and School Land of the State.

The question being on the adoption of the amendments proposed by the committee.

Amendment to section one, viz: strike out "June," and insert "May."

Senator Kingston offered an amendment.

Strike out "May," and insert "April."

Not agreed to.

Senator Bennett called for a division of the question.

Which was had.

The question being on striking out "June."

The ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Bean, Boyd, Chappell, Clark, Davis, Greulich, Hanchett, Kimball, Kingston, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler—20.

Noes—Messrs. Bennett, Chase, Joiner, McClellan, Maxon, Pier, Virgin, Worthington—8.

The amendment was concurred in.

The question being on inserting "May."

The amendment was concurred in.

Amendment to Sec. 2.

Agreed to.

Senator Joiner moved to lay on the table.

The ayes and noes were demanded and taken, and were as follows :

Ayes—Messrs. Bennett, Boyd, Chase, Joiner, Maxon, Pier, Sutherland, Virgin, Warren—9.

Noes—Messrs. Bean, Chappell, Clark, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Tucker, Walsh, Wheeler, Worthington—19.

Senate refused to lay on the table.

Senator Bennett moved to amend by striking out "and to the School Fund."

The ayes and noes being asked for and ordered, were as follows :

Ayes—Messrs. Bennett, Boyd, Joiner, Maxon, Pier, Virgin—6.

Noes—Messrs. Chappell, Chase, Clark, Davis, Greulich,

Hanchett, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Waaren, Walsh, Wheeler, Worthington—21.

Senate refused to amend.

Senator Joiner moved to indefinitely postpone.

Senator Bennett offered to amend as follows :

“Provided that interest on loans made from the school fund shall not be extended by the provisions of this act.”

Senator Martin called for the previous question.

¶The question being ‘shall the main question be now put’ the ayes and noes were called for and ordered were as follows :

Ayes—Messrs. Chappell, Clark, Greulich, Hanchett, Joiner, Kimball, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler.—19.

Noes.—Messrs. Bean, Bennett, Boyd, Chase, Davis, Kingston, Mc Clellan, Virgin, Worthington.—9.

The motion prevailed.

The question recurring upon the amendment of Senator Bennett.

The amendment was rejected.

The question recurring upon the motion to postpone indefinitely.

The ayes and noes were asked and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Joiner, Maxon, Pier, Sutherland, Virgin and Wheeler—10.

Noes—Messrs. Chappell, Clark, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Matrin, Mears, Proudfit, Schulteis, Simpson, Smith, Tucker, Warren, Walsh and Worthington—18.

Senate refused to postpone.

Senator Virgin moved to adjourn.

Senator Joiner moved a call of the Senate.

Call was had.

The absentees were Messrs. Cook and Giles.

On motion of Senator Greulich,

Further proceeding under the call dispensed with.

Senator Bean moved to adjourn until 7 1-2 o'clock P. M.

Senate refused to adjourn.

The question being on ordering the bill to third reading, and the ayes and noes being called for and ordered,

Were as follows:

Ayes—Messrs. Chappell, Clark, Davis, Greulich, Hanchett, Kimball, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Worthington—18.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Joiner, Kingston, Maxon, Pier, Virgin, Wheeler.

Read the third time.

Upon the passage of the bill, the ayes and noes were demanded, and had, and were as follows:

Ayes—Messrs. Chappell, Clark, Davis, Greulich, Hanchett, Kimball, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Tucker, Warren, Walsh, Worthington—17.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Joiner, Kingston, Maxon, Pier, Sutherland, Virgin, Wheeler—11.

Passed.

Title agreed to.

Senator Kingston offered the following resolution:

Resolved, That the Governor be requested to furnish to the Senate all the papers and affidavits relating to transcribing the records of Juneau Co., as mentioned by him in the message, returning Senate bill No. 21 to the Senate with his objections.

Rules suspended.

Resolution adopted.

On motion of Senator Wheeler,

Senate adjourned.

SENATE CHAMBER,
March 3d, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro tem., in the chair.

Rev. Mr. Britton officiated as chaplain.

Roll of Senators called.

The absentees were Messrs. Chappell, Clark, Cook, Martin, Pier and Proudfit.

Journal of yesterday read and approved.

LETTERS, PETITIONS, ETC., PRESENTED.

By the President.

Communication from the Secretary of State.

SECRETARY'S OFFICE, WISCONSIN, }
Madison, March 2d, 1858. }

TO THE HON. THE SENATE—

In reply to the resolution of the Senate of yesterday, I have the honor to reply that this Department has on hand the following volumes of the Supreme Court Reports, to-wit:

Of Volume 1,	None,
" " 2	388 copies.
" " 3	124 "
" " 4	137 "
" " 5	163 "

There appears to have been distributed, as follows, to-wit:

Of volume one, all appears to have been delivered to Mr. Krueger, the then librarian.

Of volume two only twelve copies appear to have been distributed.

Of volume three, 76 copies.

Of volume four, 63 copies.

Of volume five, 37 copies.

Of the three last numbered volumes, those distributed have been mostly sent to the several Judges of the Supreme and Circuit Courts of this State, to Clerks of Circuit Court, and

State Officers, United States Government, and exchanges with other states, as far as requested.

I have the honor to be,

Very Respectfully,

Your Ob't Servant,

D. W. JONES,

Secretary of State.

By Senator Kingston,

Petition of J. M. Maughs and others for a mail route.

RESOLUTIONS INTRODUCED.

By Senator Sutherland,

No. 81 S.

Resolved by the Senate, the Assembly concurring, That the Chief Clerk of the Senate be instructed to insert an enacting clause to No. 142 S., entitled A Bill to amend an act to incorporate the fire department of the city of Janesville, approved March 5th, 1857. Said bill having by mistake passed the legislature without an enacting clause.

J. SUTHERLAND.

Rules suspended.

Resolution adopted.

By Senator Wheeler,

Resolved, That the committee on legislative expenditures be directed to inquire how much, if any thing, Harrison Reed, a clerk of the joint standing committee on investigations, receives or is entitled to for his services as anonymous correspondent of the Milwaukee Free Democrat, and that such amount be deducted from his pay for services as clerk of such committee.

By Senator Chase,

Resolved, That until further ordered, the Senate will regularly meet on each day, Sundays excepted, at the following hours: In the forenoon, at 8 o'clock; in the afternoon at 3 o'clock, and in the evening at 7 o'clock.

CHASE.

RESOLUTIONS TAKEN UP.

Joint Resolution No. 35 S.

Resolved by the Senate, the Assembly concurring, That the two houses of this Legislature, will take a recess from Monday the 8th day of March, inst., until Wednesday, the 16th day of June next, and that the joint committee of investigation, of which Senator Worthington is chairman, and the judiciary committees of the Senate and Assembly, acting jointly upon the report of the revisors, be authorized and directed to sit during the recess, and report their doings to the Legislature at its session in June. Provided, however, that no mileage or per diem shall be certified or paid to any member or officer for travel or attendance during such recess, except to those employed upon one or more such committees.

Senator Virgin moved to indefinitely postpone.

Senator Sutherland moved to lay on the table.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Boyd, Chase, Giles Hanchett, Kimball, Kingston, Martin, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Wheeler—14.

Noes—Messrs. Bean, Bennett, Davis, Greulich, Joiner, Maxon, Mears, Schulteis, Tucker, Virgin, Walsh, Worthington—12.

The motion prevailed.

Laid on the table.

Joint Resolution No. 24 A.

Instructing judiciary committee to have amendments to statutes printed.

Adoption concurred in.

Joint Resolution No. 29 A.

Providing that accounts and vouchers shall accompany all appropriation bills.

Adopted.

On motion of Senator Martin.

Joint Resolution No 34 S.

Relating to the location of the North Eastern Land Grant.
Taken from table, and,
Referred to committee on State affairs.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Davis.

No. 221, S.

A bill to provide for the payment of the expenses of the
Joint Committee of Investigation.

To Committee on Claims.

By Senator Sutherland.

No. 222, S.,

A bill in relation to lectures on scientific and literary subjects, and concerts of music.

To general file.

By Senator Hanchett.

No. 223, S.,

A bill for an act to compel the State Treasurer to pay over to the County Treasurer of Portage county, the school fund apportioned to said county for 1857 and 1858.

On motion of Senator Hanchett,

Rules suspended.

Bill ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington—23.

Title agreed to.

By Senator Kingston,

Memorial, No. 18, S.,

Memorial for mail route from Mauston, in Juneau county, to Viroqua, in Bad Ax county.

To general file.

Sanator Sutherland gave the following

NOTICE :

I hereby give notice that I will, on some subsequent day, introduce a bill to establish a better system for keeping and managing the school fund, and to amend chapter 24 of the revised statutes, entitled—of the School and University lands, the sale and superintendence thereof, of the investment of the funds arising therefrom, and the powers and duties of the commissioners of said lands.

J. SUTHERLAND.

COMMITTEE REPORTS.

By Senator Worthington,

The committee on banks and banking, to whom was referred,

Bill, No. 178, S.,

A bill for an act to incorporate the Janesville Savings Institution.

Report the same back, and recommend its passage.

The same committee have had under consideration,

No. 166, S.,

A bill to incorporate the Milwaukee Emigrant Savings Bank.

And report the same back, with a substitute, and recommend the passage of the substitute.

D. WORTHINGTON,

Chairman.

March 3d.

By Senator Chase,

The judiciary committee report back bills,

Nos. 195, S.,

To authorize the Treasurer of School District No. 1, in the town of Port Washington, to receive county orders in payment of school district taxes.

197, S.,

To fix the compensation of the revisors.

105, A.,

An act concerning crimes.

56, S.,

To authorize tenants in common to sue each other in certain cases.

86, A.,

For the relief of the county of Jackson.

214, S.,

To attach Richland county to the Sixth Judicial Circuit.
And recommend their passage.

64, A.,

To vacate a part of Homes' addition to village of Omro.

99, A.,

To vacate an alley in the city of Hudson.

207, A.,

To change the name of George Henry Webster.

74, S.,

To repeal chapter 102 of the general laws of 1857, an act to fix the salaries of the Judges of the circuit courts.

And recommend their indefinite postponement.

C. S. CHASE,

Chairman.

By Senator Smith,

The joint committee on enrolled bills report that they have examined and compared the following bills:

No. 112, A.,

An act to appropriate to Berliner & Bruno the sum of seventeen hundred dollars.

No. 118, A.,

An act to appropriate to Berliner & Bruno the sum of ten dollars.

No. 347, A.,

An act to extend the time for the payment of taxes in the counties of Jackson, Ozaukee, and other counties therein named.

No. 348, A.,

An act to extend the time for collecting taxes in the town of Black Earth, in the county of Dane.

And find the same correctly enrolled.

W. E. SMITH,
Of Senate Com.
GEO. C. SMITH,
Of Assembly Com.

By Senator Simpson.

The Committee on Roads, Bridges and Ferries, to whom was referred No. 88, A., "a bill for an act to provide for a special tax to improve a road therein named," have had the same under consideration and instructed me to report the same back to the Senate without amendment, and recommend its passage.

Also,

No. 106, "A., "a bill or an act authorizing Ziba Goff to build and maintain a dam across the Killsnake river," without any recommendation.

P. B. SIMPSON,
Chairman.

By Senator Davis.

The Committee to whom was referred No. 109, Senate, "a bill to appropriate a certain sum of money therein named to W. H. Gleason," have had the same under consideration, and report the same back with amendment, and when the amendment is adopted, the committee recommend the passage of the bill.

M. M. DAVIS,
Chairman.

By Senator Bean.

The Committee on Town and County Organizations, to whom was referred No. 367, A., being a bill for an act to divide the county of Marquette, and create the county of Green Lake, report the same back to the Senate without any recommendation.

S. C. BEAN, Chairman.

By Senator Pier.

The Committee on Claims, to whom was referred No. 246, A., to provide for the payment of the clerk of the Revisers,

have had the same under consideration, and have directed me to report the same back without amendment, and to recommend its passage.

Also, *REPORT*

No. 115, S., to appropriate to J. C. Bunner the sum of three hundred dollars, have directed me to report it back without amendment, and recommend its passage; and have also directed me, in connection therewith, to report the following resolution:

Resolved, That the Attorney General be requested to commence suit against A. C. Barry, late Superintendent of Public Instruction," for the above sum of three hundred dollars, it belonging rightfully to him to pay the same.

EDWARD PIER,

Chairman.

By Senator McClellan.

The Committee on Internal Improvements, to whom was referred Memorial No. 7, from the Board of County Supervisors of Fond du Lac county, have had the same under consideration, and instruct me to make the following

REPORT.

The only point to be taken into consideration by your Committee, is contained in the last paragraph of said Memorial, praying the Legislature to institute and prosecute a suit in behalf of any one of the sufferers at the expense of the State. As no precedent has been brought to the notice of your Committee to justify the present Legislature in taking the steps indicated in the Memorial, and as the question is of a legal nature only, and can more properly be carried on by one or more of the counties bordering on Lake Winnebago, your Committee are compelled to report against the prayer of said Memorial being complied with.

Respectfully, *REPORT*

McCLELLAN, Chairman.

Senator Martin moved to suspend rules for the purpose of taking from general file and considering No. 174, A.

Senator Boyd moved to amend by including No. 340 A.

The Amendment was adopted, and,

Motion as amended, prevailed.

Rules suspended.

No. 174 A.

A bill for an act to incorporate the Lake Michigan Transit Company.

Amendments of judiciary committee concurred in.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 340 A.

A bill for an act to incorporate the Milwaukee Warehousing company.

The question being on concurring in the amendment of the committee to section 7.

And the ayes and noes being demanded and taken, were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark Davis, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—24.

Noes—Messrs. Bean, Kingston, Schulteis, Warren—4.

Amendment concurred in.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Message from His Excellency the Governor.

EXECUTIVE OFFICE, }
Madison, March 2, 1858. }

TO THE HONORABLE THE SENATE:

In compliance with the resolution of the Senate, requesting me to furnish to the Senate all the papers and affidavits relating to transcribing the records of Juneau county, as men-

tioned in my message returning Senate bill No. 21 with my objections, I herewith transmit the same.

ALEX. W. RANDALL.

Referred to select committee upon said matter.

No. 177, S.

A bill for act to extend the time for collecting taxes in the counties of Dunn, Polk, Chippewa and Eau Claire.

Amendment of Assembly concurred in.

SPECIAL ORDER.

Message of Governor appointing Board of Regents for Normal Schools special order for 11.30, A. M.

Senator Bennett moved that Senate resolve itself into Executive Session for the purpose of considering said message.

Senator Kimball moved to postpone until 7 1-2 o'clock P. M.

Pending which.

Senator Kingston moved to take special order for 11 o'clock.

The motion prevailed.

Senate went into

COMMITTEE OF THE WHOLE.

For the purpose of considering

No. 47 S.

A bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

Special order for 11 o'clock.

Senator Wheeler in the chair.

After some time spent therein,

Committee rose and reported progress,

And asked leave to sit again.

Which was granted.

Senator Clark moved that when the Senate adjourn, it adjourn to half-past seven o'clock this evening, and that

No 154 S.

A bill for the organization, enrolling and discipline of the

Militia, of the State of Wisconsin be made the special order for that time and for every succeeding evening at that hour until disposed of.

The motion prevailed.

On motion of Senator Worthington,

The following message from his Excellency the Governor, was taken up :

EXECUTIVE DEPARTMENT,
Madison, February 25, 1858. }

TO THE SENATE—

The first appointment of Regents transmitted to the Senate under an act entitled "An act for the encouragement of Academies and Normal Schools," having been rejected by the Senate, I have appointed the following named persons, subject to your approval:

C. C. Sholes, Kenosha county; Julius T. Clark, Dane county; Luther H. Cary, Sheboygan county. Terms expire January 1st, 1859.

John Hodgson, Waukesha county; James H. Howe, Brown county; Hanmer Robbins, Grant county. Terms expire January 1st, 1860.

Silas Chapman, Milwaukee county; O. T. Maxon, Pierce county; W. E. Smith, Dodge county. Terms expire January 1st, 1861.

ALEX. W. RANDALL.

Senator Davis moved that the nominations be considered separately.

Agreed to.

The question being on confirming the appointment of C. C. Sholes, of Kenosha county,

Senate concurred in the appointment.

The question being on confirming the appointment of Julius T. Clark, of Dane county,

The Senate concurred in the appointment.

The question being on concurring in the appointment of Luther H. Cary, of Sheboygan county,

The appointment was confirmed.

The question being on concurring in the appointment of John Hodgson, of Waukesha county,
Senate confirmed the appointment.

The question being on concurring in the appointment of James H. Howe, of Brown county,
Senate agreed to the appointment.

The question being on concurring in the appointment of Hanmer Robbins, of Grant county,
The Senate confirmed said appointment.

The question being on concurring in the appointment of Silas Chapman, of Milwaukee.

The appointment was confirmed.

The question being on concurring in the appointment of O. T. Maxon, of Pierce county,

The appointment was concurred in.

The question being on concurring in the appointment of William E. Smith of Dodge county,
Senate confirmed the appointment.

Senator Davis moved to suspend rules and take up Nos. 109, S.; 38, S., and 367, A.

Senator Greulich moved to amend by including all appropriation bills not objected to.

The amendment was rejected.

The Senate refused to suspend rules.

Senator Kingston moved to adjourn.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Boyd, Chappell, Clark, Greulich, Joiner, Kingston, Maxon, Proudfit, Schulteis, Sutherland, Warren, Walsh, Wheeler—13.

Noes—Messrs. Bean, Bennett, Chase, Davis, Kimball, Mc Clellan, Martin, Pier, Smith, Virgin, Worthington—11.

Senate adjourned until 7 o'clock P. M.

7 1-2 o'clock P. M.

Senate assembled.

Senator Giles President *pro tem* in the chair.

Roll of Senators called.

Messrs. Cook, Hanchett, Joiner, Martin, Pier, Smith and Tucker absent.

SPECIAL ORDER.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering

No. 154 S.

A bill for an act to provide for the organization, enrolling and discipline of the Militia of the State of Wisconsin,

Special order for 7 1-2 o'clock,

Senator Clark in the chair.

After some time spent therein,

Committee rose and reported progress, and asked leave to sit again.

Which was granted.

On motion,

Senate adjourned.

SENATE CHAMBER,
March 4th, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President *pro tem.*, in the chair.

Rev. Mr. Eggleston officiated as chaplain.

Roll of Senators called.

The absentees were Senators Bean, Chappell, Clark, Cook, Martin, Maxon, Proudfit, Simpson, Smith, Warner and Walsh.

Superintendent of Public Property,	12 24
Supreme Court,	195 60
Revising Committee,	50 32
State Historical Society,	7 58
Repub. and Dem. Convention,	30 64
Superintendent of Public Property,	56 57
	<hr/>
	\$2089 62

Very respectfully,

RUFUS PARKS,

Supt. of Public Property.

Sup't Public Property Office, }
March 3, 1858.

To the Hon. Senate :

In answer to the resolution of your honorable body of the 26th of February, 1858, requesting me to inform the Senate what amount of Stationary, or other articles, have been furnished, since the first of January last, to each of the departments, or to any person not already reported, to which Stationary or other articles has been furnished by the State, I herewith transmit to you the amount of stationary furnished to each department and other persons; in addition to which some small articles have been furnished, of which no account have been kept in this office :

DELIVERY OF STATIONARY FROM JAN. 1st, TO MARCH 1st, 1858.

Under Gov. Bashford's administration, \$143 98

“ “ “ Randall's “ “ “ 243 92

Executive Office,	\$418 90
Secretary of State,	299 99
State Treasurer,	200 67
Bank Comptroller,	51 43
Attorney General,	68 52
State Librarian,	5 18
Superintendent Public Instruction,	52 35
Supreme Court,	27 30
Revising Committee,	5 44

State Prison Commissioner,	53 04
Adjutant General,	18 45
State Geology,	00 50
Commissioner of House of Refuge,	26 57
Reporter of Free Democrat,	10 10
“ Conservator,	9 99
“ Daily Patriot,	14 56
“ Argus and Democrat,	0 62
Superintendent of Public Property,	45 92

\$1309 53

Very respectfully,

RUFUS PARKS,

Sup't Public Property.

Communication from D. Y. Kilgore :

MADISON, Feb. 26th, 1858.

HON. H. H. GILES—

Dear Sir—Please say to the members of the Senate that it would be agreeable to have them visit the public schools of this city at any time which will suit their convenience.

Very respectfully,

D. Y. KILGORE,

City Sup't of Schools.

RESOLUTIONS INTRODUCED.

By Senator Greulich,

Resolved, That the judiciary committee be requested to add in the revision of the statutes to sections 44 of chapter 10 of the revised statutes, a provision under which the board of supervisors have authority to demand further and additional bonds from the clerk of the board of supervisors, whenever said board shall deem it advisable.

Referred to committee on Judiciary.

RESOLUTIONS TAKEN UP.

By Senator Chase,

Resolved, That until further ordered, the Senate will regularly meet on each day, Sundays excepted, at the following

hours: In the forenoon, at 8 o'clock; in the afternoon at 3 o'clock; and in the evening at 7 o'clock.

Senator Sutherland moved to amend by striking out "Sundays excepted."

The motion prevailed.

Senator Sutherland moved to amend by striking out "8," and inserting "7."

Which was agreed to.

Senator Bennett moved to amend by striking out "7," and insert "6 1-2."

Senator Bean moved to amend the amendment, by striking out "6 1-2," and inserting "5."

Senator Kingston moved to lay the whole subject on the table.

The motion prevailed.

By Senator Wheeler,

Resolved, That the committee on legislative expenditures be directed to inquire how much, if any thing, Harrison Reed, a clerk of the joint standing committee on investigations, receives or is entitled to for his services as anonymous correspondent of the Milwaukee Free Democrat, and that such amount be deducted from his pay for services as clerk of such committee.

Senator Wheeler offered the following as a substitute:

Resolved, That the Sergeant-at-arms be directed to procure from the Secretary of State, and furnish to each member of the Senate, one copy of the latest edition of the "Code."

Senator Kimball moved to amend by striking out "one," and insert "five," and also insert "five copies of the election laws of Wisconsin."

Senator Virgin moved to lay on the table.

Not agreed to.

Senator Clark moved to refer to Senator Wheeler.

Senator Wheeler moved to amend by referring to committee on legislative expenditures.

Senator Sutherland moved to lay on the table until to-morrow.

The motion prevailed.

Laid on the table.

By Senator Pier,

Resolved, That the Attorney General be requested to commence suit against A. C. Barry, late Superintendent of Public Instruction, for the above sum of three hundred dollars, it belonging rightfully to him to pay the same.

On motion of Senator Bennett,

Referred to committee on judiciary.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Tucker.

No. 224 S.

A bill for an act to amend an act entitled "An act to extend the time for the collection of taxes in the city of La Crosse," approved Feb. 1st, 1858.

On motion of Senator Tucker,

Referred to select committee of three.

Senators Tucker, Smith and Martin were appointed such committee.

By Senator Chase,

No. 225 S.

A bill for an act to incorporate the Commercial Insurance Company of Racine.

To committee on incorporations.

By Senator Pier, from committee on Claims,

No. 226 S., a bill for an act to appropriate to Darwin Clark the sum of \$6.

To general file.

By Senator Worthington,

No. 227 S., a bill for an act to extend the time for collecting taxes in Eagle, Waukesha county.

On motion of Senator Worthington,

Rules suspended,

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Davis, Greulich, Kimball, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington.—21.

Noes—Messrs. Giles, Joiner, Maxon, Virgin.—4.

Title agreed to.

By Senator Tucker,

No. 228 S., a bill for an act providing for punishment in certain cases of murder.

Senator Tucker moved to refer to select committee of three.

Senator Greulich moved to amend by referring to judiciary committee.

The ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Davis, Giles, Greulich, Kimball, McClellan, Proudfit, Smith, Sutherland, Virgin, Wheeler—14.

Noes—Messrs. Chase, Clark, Joiner, Kingston, Martin, Maxon, Mears, Schulteis, Simpson, Tucker, Warren, Walsh, Worthington—13.

The amendment was adopted.

So referred.

Senator Bennett moved that the judiciary committee be instructed to enquire into and and report to the Senate whether under our present statutes, murder is not a bailable offence.

Senator Bean offered the following amendment :

And that the committee be instructed to report an amendment to the constitution in accordance with the provisions thereof.

On motion, motion and amendment laid on the table.

By Senator Clark.

No. 229 S.

A bill for an act to lay out a State road from the village of Manitowoc to Taycheda.

To committee on roads, bridges and ferries.

By Senator Wheeler.

No. 230 S. *Proposed, 17011*

A bill for an act to fix the compensation of witnesses attending upon Legislative committees.

To general file.

Senator Hanchett gave the following notice :

I hereby give notice that I will on some future day of the present session of the legislature, introduce a bill to lay out and open a State road from Wausau, in the county of Marathon, running north to the State line on the most direct and feasible route to Ontonagon, in the State of Michigan.

Also,

A memorial to the legislature of the State of Michigan, requesting the establishment of a State road from Ontonagon, south, to intersect the State road to be laid out under said bill, the expenses incurred in laying out and opening said road from Wausau, to be paid out of the State Treasury.

HANCHETT,

COMMITTEE REPORTS.

By Senator Davis,

The joint committee for investigation to whom was referred No. 114 S., "a bill to appropriate to the Madison Gas Light and Coke Company the sum of four hundred and forty-nine dollars and thirty-four cents," have had the same under consideration, and report back without amendment, and recommend its passage.

Reported, 17011 M. M. DAVIS.

Chairman.

By Senator Hanchett.

Your committee on State affairs have had under consideration No. 159 A., a bill to appropriate to W. S. Wells & Co., the sum of money therein named.

No. 158 A.

A bill to appropriate to John Furlong & Son the sum of money therein named for groceries furnished State prison.

No. 206 A.

A bill to appropriate to John Dahlman & Co., the sum of money therein named, for Hardware and groceries furnished States Prison.

And report the same back with a recommendation that they be severally, indefinitely postponed.

S. HANCHETT,

Chairman.

By Senator Bean,

The committee on town and county organization, to whom was referred,

Bills, No. 22, A., No. 80, A., No. 126, S., and No. 3, A.,

Have had the same under consideration, and report them back to the Senate, and recommend that they be laid on the table.

S. C. BEAN.

By Senator Sutherland,

The committee on education, school and University lands report,

No. 223, A.,

A bill for an act for the relief of School District No. 1, in the Half-Moon Lake Township.

☒ Without amendment.

No. 217, S.,

A bill for the apportionment of school money to School District No. 8, in town of Grenfield, Milwaukee county.

With amendment, and recommend its passage.

J. SUTHERLAND,

Chairman.

By Senator Pier,

The committee on claims, to whom was referred the account of Darwin Clark have had the same under consideration, and have directed me to report a bill,

No. 226, S.

To appropriate to Darwin Clark the sum of \$6.00.

And recommend its passage.

Also,

The memorial of Lars Olson, and recommend that the prayer of the petitioner be not granted.

Also,

No. 93, S., with substitute and report the same back with amendments, and when so amended, recommend its passage.

E. PIER,

Chairman.

Report considered.

Account of Lars Olson.

Report of committee nonconcurring in.

Senator Tucker moved to refer to committee on claims.

Senator Hanchett moved to lay on the table.

The motion prevailed.

Laid on the table.

By Senator Kimball,

The committee on incorporations report,

Bill, No. 187, S.,

A bill for an act to incorporate the Neenah Hydraulic Company.

Also,

No. 134, S.,

A bill to incorporate the Annepee and New Franklin Plank Road Company, and recommend their passage.

M. L. KIMBALL,

Chairman.

By Senator Boyd,

The committee on public printing to whom was referred bill

No. 209 S.

Report that they have had the same under consideration, and report it back with an amendment, and recommend its passage when so amended!

JOHN W. BOYD,

Chairman.

By Senator Smith,

The joint committee on enrolled bills report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 195 A.

An act to appropriate to H. Friend & Brother the sum of one hundred and sixty-two dollars and eighty-two cents.

No. 153 A.

An act to appropriate to S. Klauber & Co. the sum of nine hundred and three dollars and fifty-five cents.

No. 154 A.

An act to appropriate to Tibbits & Gordon the sum of one hundred and eighty-four dollars and eighteen cents.

No. 193 A.

An act to appropriate to Charles Beger, Sheriff of Ozaukee county, the sum forty dollars and fifty cents.

No. 194 A.

An act to appropriate to Charles Holt the sum of eighteen dollars.

No. 296 A.

A act to appropriate to J. D. Welch, Sheriff of Dane county the sum of three hundred and fifty-two dollars.

No. 297 A.

An act to appropriate to G. W. Mitchell, Sheriff of Fond du Lac county, the sum of twenty dollars.

No. 107 S.

An act to provide for laying out a state road from Belmont in La Fayette county, to the Junction House, in Grant county.

No. 110 S.

An act to amend an act entitled an act to lay out a state road therein named, approved March 31st, 1856.

No. 118 S.

An act to prevent obstructions in Hemlock River.

No. 130 S.

An act to legalize the assessment and assessment roll of the town of Franklin, in Bad Ax county, for the year 1857.

No. 144 S.

An act to authorize the Register of Deeds, in and for Waupaca county, to make a grantor and grantees index, and to transcribe certain records therein named.

No. 177 S.

An act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire and Waupaca.

No. 97 A.

An act to incorporate the village of Monroe.

WM. E. SMITH,
Of Sen. Com.
GEO. C. SMITH,
Of Ass. Com.

By Senator Hanchett,

Your committee on States Prison report to the Senate the account of Jermain & Brightman and recommend that it be referred to the committee on claims.

Report of committee concurred in.

Account so referred.

By Senator Davis,

The committee on railroads to whom was referred No. 152 S., a bill for an act to provide for the protection of Stockholders of railroad corporations, have had the same under consideration, and instructed me to report the same back to the Senate with sundry amendments, and recommend its passage.

M. M. DAVIS,
for committee.

By Senator Smith,

The joint committee on enrolled bills report that they have on this 4th day of March, 1858, presented to the Governor for his approval, the following bills, to wit:

No. 76 S., an act to incorporate the Oconto Lumbering company.

No. 183 S., an act to regulate the terms of the circuit court in the county of Waupaca.

No. 134 S., an act to extend the time for the collection of taxes in the town of Madison.

No. 112 A., an act to appropriate to Berliner & Bruno the sum of \$1700.

No. 118 A., an act to appropriate to Berliner & Bruno the sum of \$10.

No. 347 A., an act to extend the time for the payment of taxes in the counties of Jackson, Ozaukee, and other counties therein named.

No. 348., an act to extend the time for the collection of taxes in the town of Black Earth, in the county of Dane.

WM. E. SMITH,
Of Senate Com.

GEO. C. SMITH,
Of Assem. Com.

Message from his Excellency the Governor :

EXECUTIVE OFFICE,
Madison, March 2, 1858. }

TO THE SENATE :

The following entitled acts and memorials, originating in the Senate, have received the Executive approval, and have been deposited in the office of the Secretary of State.

No. 37, S.,

To incorporate the Norwegian Evangelical Luthern Synod of the State of Wisconsin.

No. 26, S.,

To divide the County of Dunn, and create the County of Pepin.

No. 174, S.,

To extend the time for the collection of taxes for the year 1857 in the counties of Oconto, Door, Brown, Kewanna, Shawano, and Manitowoc.

No. 146, S.,

To appropriate to Edward M. McGraw, State Prison Commissioner, the sum of money therein named.

No. 45, S.,

To appropriate to George W. Mygatt, the sum of thirty-five dollars.

No. 46, S.,

To appropriate to Edwin Palmer, the sum of twenty-four dollars and fifty cents.

No. 49, S.,

To amend section 17 of chapter 299 of private and local laws of 1855, entitled an act to incorporate the Sugar River Valley Railroad Company, approved March, 20th 1855.

No. 53, S.,

To amend an act incorporating the City of La Crosse, approved March 4th, 1856.

No. 69, S.,

To appropriate to Wisconsin State Telegraph Company the sum of sixty-seven dollars and 8 cents.

No. 71, S.,

To appropriate to Maul & Grimm the sum of fifteen dollars,

No. 100, S.,

To legalize the proceedings of a school meeting in district No. one (1) in the town of Pepin and county of Dunn, and to authorize the collection of a tax.

No. 163, S.,

To appropriate to J. C. Cowdry, the sum of four hundred and twenty-nine dollars.

No. 170, S.,

To extend the time for the collection of taxes in the county of Jefferson.

No. 268, S.,

For the relief of the tax-payers in the town of Janesville and and Fulton, in the county of Rock.

No. 10, S.,

Memorial to the Congress of the United States in relation to the establishment of a mail route.

No. 12, S.,

Memorial to Congress for a mail route from Dubuque, Iowa, to Platteville, Grant Co., Wisconsin.

No. 13, S.,

Memorial to Congress for the establishment of a mail route from Shullsburg, in La Fayette County, to Apple River station, in the county of Joe. Davies, in the State of Illinois.

ALEX. W. RANDALL.

Message from the Assembly.

MR. PRESIDENT:

I am directed by the Assembly to present for your signature No. 112 A, an act to appropriate to Berliner & Bruno the sum of seventeen hundred dollars.

No. 118 A, an act to appropriate to Berliner & Bruno the sum of ten dollars.

No. 347 A, an act to extend the time for the payment of taxes in the counties of Jackson, Ozaukee, and other counties therein named.

No. 348 A, an act to extend the time for collecting taxes in the town of Black Earth, in the county of Dane,

Which have been signed by the Speaker.

I am also directed to inform you that the Assembly have passed,

J. R, 33 S, Resolution for the passage of an act of Congress granting land to actual settlers, with amendments.

MR. PRESIDENT:

I am directed to present for your signature,

No. 76 S, an act to Incorporate the Oconto Lumbering Co,

No. 183 S, an act to regulate the terms of the Circuit Court in the county of Waupaca, and

No. 184 S, an act to extend the time for the collection of taxes in the town of Madison,

Which have been signed by the Speaker.

MR. PRESIDENT:

I am directed to present for your signature.

No. 177 S, an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, and Waupacca.

No. 144 S, an act to authorize the Register of Deeds in and

for Waupacca county, to make a grantors and grantees index and to transcribe certain records therein named.

No. 130 S, an act to legalize the assessment and assessment roll of the town of Franklin, in Bad Ax county for the year 1857.

No. 118 S, an act to prevent obstructions in Hemlock river,

No. 110 S, on act to amend an act entitled "an act to lay out a State Road therein named, approved March 31, 1856."

No. 107 S, an act to provide for laying out a State Road from Belmont, in La Fayette county, to the Junction House. in Grant county.

No. 97 A, an act to incorporate the village of Monroe.

Which have been signed by the Speaker.

The Assembly has concurred in the passage of

No. 18 S, a bill for an act to provide for the publication and distribution of the laws of Wisconsin, concerning the organization and government of towns.

Mr. PRESIDENT—

I am directed to inform you that the Assembly has passed No. 379 A.

A bill for an act to appropriate to Lindewann & Rahlman, the sum of \$487 50.

No. 380 A.

A bill for an act to appropriate to K J. Fleischer, the sum of \$182 50.

No 344 A-

A bill for an act to extend the time for the collection of taxes in town of Ripon, in the county of Fond du Lac.

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of

No. 79 S.

A bill to legalize the official acts of Dominick Hunt, a Justice of the Peace, in the county of Brown.

And,

No 91 S.

A bill to amend the act entitled "an act to incorporate the

Green Bay, DuPere and Madison Railroad Company," approved March 17th, 1853.

With an amendment to each of said bills, in which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of

Joint Resolution No. 32 S.

Authorizing the joint committee on investigation to proceed to Milwaukee and examine the records of the La Crosse R. R. Company.

And has non-concurred in the passage of

Joint Resolution,

No. 31 S.

Relating to action in private and local bills except on Monday and Tuesdays.

I am also directed to present for your signature,

No. 194 A.

An act to appropriate to Charles Holt, the sum of eighteen dollars.

No. 296 A.

An act to appropriate to J. D. Welch, Sheriff of Dane Co., the sum of \$350.52.

No. 153 A.

An act to appropriate to S. Klauber & Co., the sum of \$903.55.

No. 297 A.

An act to appropriate to G. W. Mitchell, Sheriff of Fond du Lac County, the sum of \$20.

No. 193 A.

An act to appropriate to Charles Berger, Sheriff of Ozaukee County, the sum of forty dollars and fifty cents.

No. 154 A.

An act to appropriate to Tibbetts & Gordon, the sum of \$184.18.

No. 195 A.

An act to appropriate to H. Friend & Brothers, the sum of \$162.82.

Which have been signed by the Speaker.

The Assembly has concurred in the passage of the amendment of the Senate to

No. 174 A.

A bill for an act to incorporate the Lake Michigan Transit Company. With an amendment.

In which the concurrence of the Senate is requested.

Messages taken up.

Joint resolution 33 S.

Amendment of Assembly concurred in.

No. 79 S.

Amendment concurred in.

No. 91 S.

Amendment concurred in.

No. 174 A.

Amendment concurred in.

BILLS PASSED.

Senator Kimball moved to suspend the rules for the purpose of considering,

No. 367 A., a bill for an act to divide the county of Marquette, and erect the county of Green Lake.

Senator Bennett moved to amend by including,

No. 194 S.

The amendment was agreed to.

And the motion prevailed.

No. 367 A., taken up.

Senator Worthington offered the following amendment:

Amend so as to take from the towns of Kingston and Marquette two tiers of sections and add them to the proposed county of Green Lake, instead of one, as proposed in the bill.

Which was rejected.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Greulich, Hanchett, Joiner, Kimball, Kingston, Mc-

Clellan, Martin, Maxon, Mears, Simpson, Sutherland, Tucker, Walsh, Wheeler—20.

Noes—Messrs. Davis, Giles, Pier, Schulteis, Virgin, Warren, Worthington—7.

Title agreed to.

No. 194, S.,

A bill to repeal sec. 7, chapter 79, of the general laws of 1857, relating to printing the laws on slips for the use of members.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Sen. Davis moved to suspend rules and take up.

No. 197, S., and 214, S.

The question being on suspension of the rules, the ayes and noes were demanded, and were as follows:

Ayes—Messrs. Bennett, Chappell, Chase, Davis, Kimball, McClellan, Martin, Smith, Sutherland, Wheeler, Worthington—11.

Noes—Messrs. Bean, Boyd, Clark, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Tucker, Virgin, Warren, Walsh—16.

The motion was lost.

Sen. Wheeler moved a suspension of rules for the purpose of considering.

No. 197 S.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Kimball, McClellan, Martin, Mears, Pier, Smith, Sutherland, Tucker, Warren, Wheeler, Worthington—18.

Noes—Messrs. Clark, Greulich, Joiner, Kingston, Maxon, Schulteis, Simpson, Virgin, Walsh—9.

Rules suspended.

No. 197 S.

A bill for an act to fix the compensation of the Revisors of the general laws of this State.

Senator Clark moved to fill blank in said bill by inserting "six."

Senator Simpson moved to amend by inserting "ten."

Senator Kimball moved to amend by inserting "eight."

The question being on inserting "ten" in said blanks,

The ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Chappell, Chase, Kimball, Schulteis, Simpson—5.

Noes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Pier, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Wheeler, Worthington—22.

Amendment not agreed to.

The question being on inserting "eight,"

The ayes and noes were demanded, and were as follows :

Ayes.—Messrs. Chappell, Chase, Giles, Hanchett, Kimball, Mears, Schulteis, Simpson, Sutherland, Tucker, and Wheeler.—11

Noes.—Messrs. Bean, Bennett, Boyd, Clark, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Smith, Virgin, Warren, Walsh, Worthington.—16.

Not agreed to.

Senator Chase moved to insert "seven" in said blanks.

The ayes and noes being demanded and had were as follows :

Ayes.—Messrs. Chappell, Chase, Giles, Hanchett, Kimball, Mears, Schulteis, Simpson, Sutherland, Tucker, and Wheeler.—11.

Noes.—Messrs. Bean, Bennett, Boyd, Clark, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Smith, Virgin, Warren, Walsh, and Worthington.—15.

Not agreed to.

The question recurring on the motion to insert "six,"

Senator Simpson moved to amend by inserting \$6 50.

Senator Chase moved to amend by inserting \$6 75.

Senator Simpson moved a call of the Senate.

Call was had.

Senators Davis, Greulich and Proudfit were absent.

The Sergeann-at-Arms was directed to bring in the absentees.

Sergeant-at-Arms reported all the absentees as present.

Further proceedings under call dispensed with.

The question being on inserting \$6,75.

The ayes and noes were asked for and taken, and were as follows :

Ayes—Messrs. Chappell, Giles, Hanchett, Kimball, Mears, Schulteis, Simpson, Sutherland and Wheeler—9.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Proudfit, Smith, Tucker, Virgin, Warren, Walsh and Worthington—20.

Not agreed to.

Senator Clark moved the previous question.

The question being “shall the main question be put.”

The motion prevailed and the main question was ordered.

Which being on the motion to insert \$6,50.

The ayes and noes were demanded and ordered, and were as follows :

Ayes—Messrs. Chappell, Davis, Giles, Hanchett, Kimball, Mears, Schulteis, Simpson and Wheeler—9.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Warren, Walsh and Worthington—20.

Not agreed to.

The question recurring on the motion of Senator Clark, to insert “Six.”

The ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Chappell, Clark, Davis, Joiner, Kingston, McClellan, Maxon, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—19.

Noes—Messrs. Chase, Giles, Greulich, Hanchett, Kimball, Martin, Mears, Schulteis, Simpson, Warren—10.

The motion prevailed.

Bill ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—21.

Noes—Messrs. Chase, Giles, Hanchett, Martin, Mears, Schulteis, Simpson, Warren—8.

Title agreed to.

Sen. Clark moved a reconsideration of the vote by which said bill was passed.

The ayes and noes being demanded and had, was as follows:

Ayes—Messrs. Giles, Hanchett, Kimball, Martin, Mears, Schulteis, Simpson, Wheeler, Worthington—9.

Noes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Greulich, Joiner, Kingston, McClellan, Maxon, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Warren, Walsh—20.

Senate refused to reconsider.

No. 105 S.

A bill for an act to incorporate the Chippewa Falls Bridge Company.

Read third time.

Passed.

Title agreed to.

No. 161 S.

A bill for an act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Proudfit, Schulteis, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—21.

Noes—Messrs. Giles, Pier, Virgin—3.

Title agreed to.

No. 160 S., A bill to appropriate to Tibbits & Gordon a sum of money.

Read third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Gruehlich, Kimball, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—20.

Noes—Messrs. Kingston, Martin, Virgin—3.

Title agreed to.

No. 113 S., A bill for an act to amend chapter 52 of the revised statutes, relating to the incorporation of villages.

Read third time.

Passed.

Title agreed to.

No. 42, A.,

A bill for an act to amend an act entitled "an act to incorporate the Chippewa Valley Railroad Company.

Read third time.

Passed.

Title agreed to.

Senator Chase moved to suspend rules and take

No. 214. S.,

A bill for an act to attach Richland county to the Sixth Circuit, for judicial purposes,

From general file.

The motion prevailed.

Referred to committee on judiciary.

On motion,

Senate adjourned until 7 1-2 o'clock, P. M.

7 1-2 o'clock P. M.
Senate assembled.

Senator Giles President *pro tem* in the chair.

Roll of Senators called.

Messrs. Hanchett, Kingston, McClellan, Martin, Proudfit, Schulteis, Simpson, Smith, Tucker and Worthington, absent.

SPECIAL ORDER.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE.

For the purpose of considering
No. 154 S.

A bill for an act to provide for the organization, enrolling and discipline of the Militia of the State of Wisconsin.]

Special order for 7 1-2 o'clock,

Senator Clark in the chair,

After some time spent therein,

Committee rose and reported progress, and asked leave to sit again.

Which was granted.

REPORT:

By Senator Chase,

The judiciary committee report back joint resolution
No. 24 A.

In relation to printing amendment to the Revision, by substitute, and recommend the passage of the substitute.

CHASE,
Chairman.

PETITION,

Senator Wheeler presented the petition of School District No. 1, in the town of Orihulee, in the county of Winnebago.

Referred to committee on education, school and university lands.

Senator Wheeler asked leave of absence for one week.

Which was granted.

On motion of Senator Kimball,

Senate adjourned.

SENATE CHAMBER,
March 5th, 9 o'clock A. M. }

Senate assembled.

Senator Giles President *pro. tem.*, in the Chair.

Rev. Mr. Haider officiated as chaplain.

Roll of Senators called.

The absentees were Senators Chappell, Clark, Cook, McClellan, Martin, Tucker, and Wheeler.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Giles.

Memorial No. 19 S., a memorial to Congress for the establishment of a mail route.

To general file.

By Senator Pier.

Petition of O. R. Potter and others for a road.

To committee on roads, bridges and ferries.

RESOLUTIONS INTRODUCED.

By Senator Bean.

Resolved, That hereafter the Senate will not act on any local business except on Monday and Tuesday of each week, and that said days shall be exclusively devoted to the consideration of such business.

RESOLUTIONS TAKEN UP.

Substitute offered by Senator Wheeler.

Resolved, That the Sergeant-at-arms be directed to procure

from the Secretary of State, and furnish to each member of the Senate, one copy of the latest edition of the "Code."

With the amendment of Senator Kimball,

Amend by striking out "one," and insert "five," and also insert "five copies of the election laws of Wisconsin."

Amendment agreed to.

Substitute adopted as amended.

Substitute reported by Judiciary Committee to

Joint Resolution No. 34 A.,

Adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Sutherland.

No. 231, S., a bill to incorporate the Western Novelty Works, Janesville.

To Committee on Incorporations.

By Senator Chase.

No. 232, S.,

A bill for an act to appropriate to Abram D. Smith the sum of sixty-five dollars.

To Committee on Claims.

By Senator Davis.

No. 234, S.,

A bill for an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof.

To Committee on Incorporations.

By Senator Tucker.

No. 235, S.,

A bill for an act to incorporate the La Crosse Gymnastic Association, called in German, "Der La Crosse Turn Verein."

To Committee on Incorporations.

By Senator Bean, from committee on state affairs,

No. 233 S.,

... t ... c 1 ... asing of fifty co-

pies of the Supreme Court Reports, and to pay for the same.

To committee on claims.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee to whom was referred the account of A. D. Smith, per 13, Supreme Court Reports, vol. 4, delivered upon the order of Gov. Bashford, for the use of the Executive Department, report the same back by bill, providing for the payment of the same, and recommend the passage of the bill.

CHASE,
Chairman.

By Senator Warren,

The joint committee on enrolled bills report, that they have examined and compared the following bills, and find them as correctly enrolled.

No. 18 A.

An act to incorporate the farmer's mutual fire insurance company of Calumet county.

No. 18 S.

An act to provide for the publication and distribution of the Laws of Wisconsin, concerning the organization and government of towns.

No. 59 S.

An act to incorporate the Madison Gymnastic Association, called in German der Madison Turn Verien.

No. 64 S.

An act to change the name of Martha Rozilla Vantyne to Martha Rozilla Bierce, and to establish her heirship.

No. 127 S.

An act to legalize the official acts of Lewis Hedges, a justice of the peace of the town of Rushford, in the county of Winnebago.

No. 142 S.

An act to amend an act entitled an act to incorporate the

Fire Department of the city of Janesville, approved March 5th, 1857.

J. H. WARREN,
Of Sen. Com.

GEO. C. SMITH,
Of Ass. Com.

By Senator Bennett,

The committee on finance, to whom was referred Assembly bill No. 5., "for an act to authorize the county of Sheboygan to loan its credit to purchase a poor farm and erect buildings hereon," report the same back without amendment, and recommend its passage.

A. J. BENNETT,
Chairman.

By Senator Simpson,

The committee on roads, bridges and ferries, to whom was referred Bili No. 229 S. "A bill for an act to lay out a state road from the village of Manitowoc, in Manitowoc county, to the village of Taychedah, in Fond du Lac county," report the same back without amendment and recommend its passage.

P. B. SIMPSON, Chairman.

On motion of Senator Clark,

Rules suspended.

No. 229 S., a bill for an act to lay out a State road from the village of Manitowoc to Taycheedah.

Orderdd to third reading.

Read third time.

Passed.

Title agreed to.

By Senator Bean.

The committee on State affairs, to whom was referred the communication of William Ripley, of the 16th ult, have had the same under consideration, and report it back to the Senate with the accompanying bill, and recommend its reference to the committee on claims.

S. C. BEAN,
For the Committee.

By Senator Chase.

The judiciary committee to whom was referred the following Preamble and Resolutions and the papers therein named, to wit:

Whereas, It appears from the report of the standing committee on privileges and elections, in the matter of the contested seat from the 14th Senatorial District, that at the poll held at the house of Adolph Bartosh, in the town of Waterloo, in said district, one ballot was not canvassed for any candidate for Senator—the inspectors not being able to make out any name thereon, for said office—and that at said poll, the box used as a ballot box, was “a small trunk, about eleven inches long, by four inches in width, and the same in height, the cover of which was screwed down”—said box or “trunk” being without a lock or key, and having two holes in the top, neither of which was sealed at the noon adjournment; and, also, that at the poll held at the house of Michael Ames, in the town of Emmett, in said district, the box used as a ballot box, was “an inside drawer, about the size of a cigar-box, with a shingle nailed over the top”—said box or drawer, being also without lock and key:—And, whereas, questions of grave legal importance grow out of said facts, to-wit:

1. Whether the Senate can legally and justly declare that the ballot referred to (upon the face of which the inspectors could not make out any name, whatever, for the office of Senator,) was intended for William T. Butler, or that said Butler is entitled thereto?

2. Whether the boxes used at said polls for ballot-boxes, were ballot-boxes within the true intent and meaning of the statutes, in such case made and provided? and

3. Whether, in case said boxes were not good and legal ballot-boxes, the election held at said polls, or either of them, would be therefore void? therefore,

Resolved, That said report, together with the depositions and accompanying papers be, and the same is hereby referred to the committee on judiciary.

Resolved, That said committee be, and they are hereby instructed to report in said matter as soon as conveniently may be.

Rules suspended.

Senator Tucker moved to amend by substituting the whole evidence to the committee.

Report that they have examined the subject so referred to them and submit the following as their opinion thereon :

In all cases of contested seats in this body, the Senate is the only Judge of the facts, and must pass upon them when properly presented. If therefore, a ballot was cast at the late election in the fourteenth Senatorial District designed by the voters of the same, to be for William T. Butler though the name of said Butler thereon, was so badly written or imperfectly printed that the Inspectors could not make out any name, it should be counted for said Butler by the Senate, not however without clear and conclusive proof that the name on the ballot was intended by the voter of the same to be "William T. Butler."

The boxes used at said polls may not have been, and indeed were not such ballot boxes as are required by the Revised Statutes; consequently were not within the true meaning and intent of those sections of the Statutes which prescribe the requisites of ballot boxes. But your committee are of opinion that the use of ballot boxes at elections is a matter of form, and might be entirely dispensed with, neither rendering the election necessarily void or illegal, as the provision of Sec. 95, of Chap. 6, of the Revised Statutes expressly declare that "whenever it shall satisfactorily appear that any person has received a plurality of the legal votes cast at any election for any office, the canvassers shall give to such person a certificate of election, notwithstanding the provisions of law may not have been fully complied with, &c." So that the real will of the plurality may not be defeated by any informality.

Your committee are of opinion that the whole case under consideration is covered by these provisions, except so far as

relates to the question of *fraud*, which is purely a question of fact, and the investigation of which more properly belongs to the committee on Privileges and Elections.

C. S. CHASE.

Chairman.

By Senator Tucker.

Your committee to whom was referred bill No. 224 S., a bill for an act to amend an act entitled "an act to extend the time for the collection of taxes in the city of La Crosse," have had the same under consideration and report it back without any amendment, and recommend its passage.

W. W. TUCKER,	} Committee.
M. L. MARTIN,	
W. E. SMITH.	

On motion of Senator Tucker,

Rules suspended.

No. 224 S.

Ordered to third reading.

Read the third time.

Upon the passage the ayes and noes being required and taken, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Davis, Greulich, Kimball, Kingston, Martin, Mears, Proudfit, Simpson, Smith, Tucker, Walsh, Worthington—15.

Noes—Messrs. Chase, Giles, Joiner, Pier, Virgin—5.

Passed.

Title agreed to.

By Senator Smith.

The Joint Committee on Enrolled Bills, report that they, on the 4th day of March, 1858, presented to the Governor for his approval, the following bills :

No. 195, A.

An act to appropriate to H. Friend & Brothers, the sum of \$162 82.

No. 153, A.

An act to appropriate to S. Klauber & Co., the sum of \$903 55.

No. 154, A.

An act to appropriate to Tibbits & Gordon the sum of \$184 18.

No. 193, A.

An act to appropriate to Charles Berger, sheriff of Ozaukee county, the sum of \$40 50.

No. 194, A.

An act to appropriate to Charles Holt the sum of \$18.

No. 296, A.

An act to appropriate J. D. Welch, sheriff of Dane county, the sum of \$352.

No. 297, A.

An act to appropriate to G. W. Mitchel, sheriff of Fond du Lac county, the sum of \$20.

No. 97, A.

An act to incorporate the village of Monroe.

No. 107, A.

An act to provide for laying out a State road from Belmont in LaFayette county, to the Junction House, in Grant county

No. 110, S.

An act to amend an act entitled "an act to lay out a State Boad therein named," approved March 3d, 1856.

No. 118, S.

An act to prevent obstructions in Hemlock river.

No. 130, S.

An act to legalize the assessment and assessment roll of the town of Fraklin, in Bad Axe county, for the year 1857.

No. 144 S.

An act to authorize the Register of Deeds, in and for Waupaca County, to make a grantors and grantees index, and to transcribe certain records therein named.

No. 177 S.

An act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, and Waupaca.

WM. E. SMITH, Of Senate Com.
GEO. C. SMITH, Of Assembly Com.

By Senator Smith,

The joint committee on enrolled bills, report that they have examined and find correctly enrolled,

No. 95, S.,

An act to appropriate to J. H. Castle, sheriff of Waukesha county, the sum of forty dollars.

They have also examined and compared,

No. 17, A.,

An act to incorporate the Columbia Stadt and Ban Verein of Milwaukee,

And find that there are two names given to said association in the first and third section of the bill, to wit: First, "Columbia Stadt and Ban Verein of Milwaukee;" and, secondly, "Columbia City and Building Association of Milwaukee."

Your committee would call attention to this matter, so that if it may be deemed important that the names used to designate such association should correspond through the entire bill, the necessary action may be had for that purpose.

WM. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assembly Com.

By Senator Hanchett,

From committee on states prison, to whom was referred

No. 192 A.

A bill for an act to appropriate to J. D. Welch, Sheriff of Dane county, the sum of money therein named.

Have had the same under consideration, and respectfully recommend its passage.

Your committee has also had under consideration

No. 11 A.

A bill for an act to appropriate to Henry & De Bond the the sum of money therein named.

And No. 82 S.

A bill to appropriate to H. Friend & Bros. the sum of money therein named,

And report the same back with a recommendation that they be indefinitely postponed.

HANCHETT,
Chairman.

By Senator Kimball,

The committee on incorporations report back 219 S., A bill for an act to incorporate the Wisconsin State Insurance Company, with amendment, and recommend its passage as amended.

Also,

No. 89 A.

A bill for an act to incorporate the Badger Iron Works Company, and recommend its passage.

KIMBALL, Ch'n.

ASSEMBLY BILLS,

No. 344 A.

A bill for an act to extend the time for the collection of taxes in town of Ripon, in the county of Fond du Lac.

No. 379 A.

A bill for an act to appropriate to Lindewann & Rahlman, the sum of \$487 50.

No. 380 A.

A bill for an act to appropriate to K. J. Fleischer, the sum of \$182 50.

Read first and second times, and

Referred to general file.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE

On general file.

Senator Chase in the chair.

After some time spent therein,

Committee rose and reported back the following bills:

Nos. 117 S, 205 S, 180 S, 191 S, 17 S, 103 S, 54 S, Mem. 16 S, 48 S, 135 S, 171 S, 140 S, 168 S, 189 S, 115 S, 199 S, 208 S, and 198 S.

Nos. 69 A, 6 A, 104 A, 27 A, 33 A, 95 A, 81 A, 49 A, 149 A, 65 A, 25 A, 262 A, 260 A, 293 A, 261 A, Mem., 154 A, 264 A, 30 A, Mem, 142 A, Mem. 135 A, Mem. 83 A, 115 A, 155 A.

Without amendment, and recommend their passage.

Nos. 61 A, 78 A, 77 A,,

Nos. 155 S, 109 S, 178 S, 166 S, 175 S, 38 S and 209 S.

With amendments.

No. 72, A., and No. 97, S.,

With recommendation to indefinitely postpone the consideration of the same.

Nos. 60. A., 70, A., 13, A., 231, A., 207, A., 64, A., 94, A., Nos. 124, S., 87, S., 143, S., 125, S., 136, S.,

With the recommendation to lay on the table.

No. 73, A.,

That it be referred to the delegation from Milwaukee.

Petition of John H. Compton, and Memorial of Fond du Lac county.

With recommendation that they be rejected.

SPECIAL ORDER.

Senate went into

COMMITTEE OF THE WHOLE,

For the purpose of considering,

No. 47, S.,

A bill to amend chapter 15 of the revised statutes, in relation to the assessment and valuation of taxes.

Special order for 11 o'clock.

Senator Sutherland in the chair.

After some time spent therein,

Committee rose and reported progress,

And asked leave to sit again.

Which was not granted.

On motion of Senator Mears,

Senate adjourned until 7 1-2 o'clock this evening.

7 1-2 o'clock P. M.

Senate met pursuant to adjournment.

Senator Giles, President *pro tem*, in the chair.

Roll of Senators called.

Messrs. Cook, Davis, Hanchett, McClellan, Martin, Maxon, Pier, Smith, Warren and Walsh absent.

Senator Bennett moved to suspend rules, for the purpose of taking up,

No 47 S.

A bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

The motion prevailed.

Senator Bennett moved to refer bill to select committee of three.

Agreed to.

Senators Bennett, Clark and Davis, were appointed such committee.

Senator Kimball submitted the following

REPORT:

The committee on incorporations, report No. 210 S, a bill to amend an act to incorporate the city of Green Bay,

Also,

No. 216 S., a bill for an act to incorporate St. John's Hall.

Also,

No. 231 S., a bill for an act to incorporate the Western Novelty Works of Janesville, and recommend their passage.

KIMBALL,

Chairman.

SPECIAL ORDER.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering,

No. 154, S.,

A bill for an act to provide for the organization, enrolling and discipline of the Militia of the State of Wisconsin.

Special order for 7 1-2 o'clock.

Senator Clark in the chair.

After some time spent therein,

Committee rose and reported back,

No. 154, S.,

With sundry amendments, and recommend its passage.

Report taken up.

Amendments of committee concurred in.

Bill ordered engrossed for a third reading.

Messages from the Assembly:

MR. PRESIDENT—

I am directed by the Assembly to inform you that the Assembly have concurred in the Senate substitute for

No. 121, A.,

A bill for an act to authorize School District No. 5, in the town of Platteville, in Grant County, to borrow money.

And in the Senate amendment to,

No. 340, A.,

A bill for an act to incorporate the Milwaukee Warehousing Company.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed

No. 343, A.,

A bill for an act to authorize the laying out and establishing a state road from the village of Reedsburg to Kilbourn City.

In which the concurrence of the Senate is requested.

The Assembly has also passed

No. 156 S-

A bill for an act to extend the time for the payment of the interest due on the swamp land and school fund of this state.

And,

No. 29 S.

An act to legalize and provide for the collection of taxes in the county of Portage.

With amendments.

In which the concurrence of the Senate is requested.

On motion of Senator Tucker,

Rules suspended,

Message taken up.

No. 156 S.

Amendments of Assembly concurred in.

Senator Virgin moved a reconsideration of the vote by which the Senate concurred in said amendments.

Senate refused to re-consider.

Senator Smith submitted the following.

REPORT:

The joint committee on enrolled bills report that they have examined and compared the following bill, and find the same correctly enrolled.

No. 367 A.

An act to divide the county of Marquette, and erect the county of Green Lake.

WM. E. SMITH,

Of Sen. Com.

GEO. C. SMITH,

Of Ass. Com.

On motion,

Senate adjourned.

SENATE CHAMBER,
March 6, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Roll of Senators called.

The absentees were Messrs. Bean, Chappell, Chase, Clark, Cook, McClellan, Martin, Maxon, Proudfit, Simpson, Smith, Tucker, Warren and Wheeler.

Leave of absence was granted to Messrs. Chase, McClellan, Bean, Smith and Maxon.

Journal of yesterday approved.

Senator Bennett offered the following resolution,"

Which was adopted.

Resolved, That when the Senate adjourn, it adjourn to meet at 4 o'clock P. M., on Monday.

The following resolution was taken up:

Resolved, That hereafter the Senate will not act on any local business except on Monday and Tuesday of each week, and that said days shall be exclusively devoted to the consideration of such business.

Senator Virgin moved to strike out all after the word "week."

Which was agreed to.

Senator Sutherland moved to lay on the table.

Which was agreed to.

BILLS INTRODUCED.

By Senator Hanchett,

No. 236 S.

A bill to incorporate the Grand Rapids bridge company.

Which was read a first and second times, and referred to the committee on roads, bridges and ferries.

By Senator Worthington.

No. 237 S.

A bill for an act to provide for the indictment of nuisances in certain cases.

Which was read a first and second time, and

Referred to committee on the judiciary.

By Senator Kingston.

No. 238 S.

A bill to legalize a certain State road.

Which was read a first and second time, and

Referred to committee on roads, bridges and ferries.

Also,

No. 239 S.

A bill for an act to regulate the time for the sale of the

delinquent lands in the counties of Adams and Juneau, for taxes.

Which was read first and second times, and

Referred to committee on judiciary.

By Senator Boyd.

No. 240 S.

A bill for an act to provide for running connections between Railroad companies.

Which was read a first and second times, and

Referred to committee on railroads.

By Senator Schulteis,

No. 241 S.

A bill for an act to provide for the relief of persons, by the foreclosure of mortgages in certain cases.

Which was read a first and second times, and

Referred to committee on judiciary.

By Senator Sutherland.

No. 243 S.

A bill to appropriate two hundred and fifty dollars to the chaplains of the legislature.

Which was read a first and second times and referred to committee on claims.

Also,

No. 242 S., a bill in relation to the management of the School Fund.

Which was read first and second times and referred to the committee on State affairs.

By Senator Davis.

No. 244 S., a bill to incorporate the Columbia University.

Which was read a first and second times, and referred to committee on education, school and university lands.

Also,

No. 245 S., a bill to appropriate to Louis R. Groves the sum of \$573 10.

Which was read a first and second times and,

Referred to committee on claims.

Senator Sutherland submitted the following

REPORT:

The committee on education, school and university lands, report 212 A., a bill for an act to authorize the State Superintendent to apportion to the counties of Columbia, Dane, and Jackson, the sums of money therein named, and recommend its passage.

J. SUTHERLAND,
Chairman.

On motion of Senator Giles,

The rules were suspended,

And,

No. 212, A.,

Was read a third time.

And passed, and the ayes and noes were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Hanchett, Kimball, Kingston, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Walsh, Worthington—18.

Senator Virgin voted in the negative.

On motion of Senator Walsh,

The rules were suspended, and

No. 217, A.

Was read a third time and

Passed,

And the yeas and nays were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Virgin, Walsh, Worthington—20.

Mr. Tucker submitted the following report:

The Committee on Enrolled Bills, report that they have examined and compared bill No. 156, S., a bill for an act to extend the time for the payment of the interest due on the

Swamp Land and School Fund of this State, and find the same correctly enrolled.

W. H. TUCKER,

of Senate Com.

CHAS. G. RODOLF,

of Assembly Com.

Senator Simpson submitted the following report :

The Committee on Roads, Bridges, and Ferries, to whom was referred No. 147, A., "A bill for an act to authorize the laying out and establishment of a State road from the village of Wakesaw, in the county of Marquette, to the town of Courtland, in Columbia county," report the same back without amendment, and recommend its passage.

P. B. SIMPSON,

Chairman.

Message from the Executive.

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March 5, 1858. }

TO THE HON. THE SENATE—

A bill entitled "an act to extend the time for the collection of taxes in the town of Madison," has been presented to me for my approval. The first section of the act extend the times for the collection of taxes to the "10th day of March next." The second section authorizes the town Treasurer, within the time specified in the first section of the act, to collect the taxes by levy and distress, or otherwise, in the measures heretofore provided by law. If by the "10th of March next," is intended the 10th of the present month, there is not time to collect unpaid taxes by levy, distress and sale, in the manner provided by law. If it means the 10th of March, A. D., 1859, then some further legislation is necessary to avoid confusion in the duties of the collection of taxes, to be assessed during the current year. Another bill has been passed, and signed by me, which obviates the difficulty presented in this bill, embracing the town of Madison. For the foregoing reasons, I must return this bill to the Senate, where it originated, without my approval.

ALEX. W. RANDALL.

The question being shall the said bill pass, notwithstanding the objections of the Governor?

It was decided in the negative.

And the ayes and noes were as follows:

Noes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Schulties, Sutherland, Virgin, Walsh and Worthington—19.

Message from the Executive.

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March 4, 1858. }

To the Hon. the Senate:

A bill, originating in the Senate, entitled "an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, and Waupacca," has been to-day presented to me for my approval. I return it with my objections to the Senate. The first section of the bill provides that "the time for the collection of taxes, in the several towns, cities, wards and villages, in the counties of Dunn, Polk, Chippewa, Eau Claire, and Waupacca, due for the year 1857, is hereby extended until the first Monday of June next," &c.

The second section provides that "the treasurers mentioned in section one of this act, shall, on or before the first day of March next, pay over to the county treasurers of said counties the State tax required to be raised in the several towns, cities, ward and villages, in said counties, and shall on or before the first Monday of June next, return to the county treasurers of the respective counties, the lands, city and village lots, upon which taxes have not been paid, as required by section 70 of chapter 15 of the revised statutes," &c.

It will be seen that a very palpable error is contained in the act. The time for the collection of the taxes is extended until the first Monday of June next, by the first section, and by the second section, the town, city, and ward treasurers, are not compelled to pay over any of the moneys already collected, or to be collected, under the extension of time for the col-

lection of taxes, until the first day of March next, or about one year from this time.

There can be no public necessity which will warrant such an accommodation to the town, city, ward and village treasurers of those counties. The monies already collected should be paid over to the county treasurers, so far as they are entitled to receive them, for county and State purposes, and those taxes to be collected by the first Monday of June next, should be paid over to the proper officers as fast as collections are made, instead of being left for a year in the hands of the collecting treasurer. If it is desirable to grant such relief to the counties named, which I presume was intended, some different provisions are required at the hands of the Legislature.

ALEX. W. RANDALL,

The question being: "shall the said bill pass, notwithstanding the objections of the Governor?"

It was decided in the negative.

And the ayes and noes were as follows:

Noes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Mears, Pier, Prondfit, Schulteis, Simpson, Sutherland, Virgin, Walsh, Worthington—21.

No. 29, S.

Returned from the Assembly with amendments,

Was taken up.

Senator Hanchett presented the memorial of people of Stevens Point against the passage of said bill.

The amendments of the assembly to section one of said bill were not concurred in.

The Assembly amendments to the remainder of said bill were concurred in.

No. 343, A.

Was read a first and second times,

And referred to the committee on Roads, Bridges and Ferries.

The rules were suspended, and

Bills No. 171 S., 140 S., 189 S., 168 S., 117 S., 180 S., 135 S., 38 S., 199 S., 208 S., 48 A., 65 A., 69 A., 104 A., 81 A., 6 A., 27 A., 25 A., 30 A., 95 A., 33 A., and memorials No. 17 S., 16 S., 135 A., 83 A., 154 A., and 142 A.

Were severally read a third time, and

Passed.

No. 205, S.

Was laid on the table.

No. 103, S.

Was read a third time, and

Passed.

And the ayes and noes were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Virgin, Walsh, Worthington—20.

Mr. Kimball voting in the negative.

No. 149 A. was read a third time and passed and the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Sutherland, Tucker, Virgin, Walsh, and Worthington.—20.

No. 54 S., was read a third time and passed and the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Joiner, Kimball, Kingston, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin, Walsh, and Worthington.—17.

Noes.—Messrs. Giles, Greulich, Martin, and Schulteis.—4.

No. 196 S., was read a third time and passed, and the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin, Walsh, and Worthington.—21.

No. 161 A., was read a third time and passed, and the ayes and noes were as follows:

Ayes.—Messrs. Boyd, Chappell, Giles, Greulich, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Walsh and Worthington.—13.

Noes.—Messrs. Bennett, Joiner, Kimball, Kingston, Martin, and Virgin.—6.

No. 264 A., was read a third time and passed, and the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Greulich, Joiner, Kimball, Mears, Pier, Simpson, Tucker, Virgin, and Worthington.—12.

Noes.—Messrs. Clark, Kingston, Martin, Proudfit, Schulteis, Sutherland, and Walsh.—8.

No. 198 S.

Was read a third time, and

Passed.

And the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin, Walsh, Worthington.—20.

No. 260 A.

Was read a third time, and

Passed.

And the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin, Walsh, Worthington.—20.

Senator Martin voting in the negative.

No. 293 A.

Was read a third time, and

Passed.

And the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Giles, Greu-

lich, Hanchett, Joiner, Kimball, Kingston, Mears, Pier, Proud-
fit, Schulteis, Sutherland, Tucker, Virgin, Walsh, Worthing-
ton—19.

Noes—Messrs. Martin, Simpson—2.

No. 155 A.

Was read a third time, and

Passed.

And the ayes and noes were as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Davis,
Giles, Greulich, Hanchett, Joiner, Kingston, Mears, Pier,
Proudfit, Schulteis, Simpson Sutherland, Tucker, Walsh,
Worthington—18.

Noes—Messrs. Martin, Virgin—2.

No. 262 A.

Was read a third time, and

Passed.

And the ayes and noes were as follows :

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Giles,
Greulich, Joiner, Kimball, Kingston, Mears, Pier, Proudfit,
Schulteis, Sutherland, Tucker, Walsh, Worthington.—17.

Noes.—Messrs. Hanchett, Martin, Simpson, Virgin—4.

No. 115 A., was read a third time, and passed and the ayes
and noes were as follows :

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Giles,
Greulich, Mears, Pier, Proudfit, Schulteis, Sutherland, Tuck-
er, and Walsh.—13.

Noes.—Messrs. Hanchett, Joiner, Kimball, Kingston, Mar-
tin, Simpson, and Virgin.—7.

No. 115 S., was read a third time and passed, and the ayes
and noes were as follows :

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Davis,
Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin,
Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker,
Virgin, Walsh, and Worthington.—22.

No. 49 S., was read a third time and passed, and the ayes
and noes were as follows :

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Greulich, Kimball, Martin, Mears, Proudfit, Simpson, Tucker, and Walsh.—13.

Noes.—Messrs. Giles, Joiner, Kingston, Pier, Schulteis, Sutherland, Virgin, and Worthington.—8.

Senator Kimball moved to reconsider the vote by which No. 65 A. was passed, which was disagreed to and the ayes and noes were as follows:

Ayes.—Messrs. Bennett, Davis, Giles, Joiner, Kimball, Pier, Schulteis, Virgin, and Worthington.—9.

Noes.—Messrs. Boyd, Chappell, Clark, Kingston, Martin, Mears, Proudfit, Simpson, Sutherland, Tucker, and Walsh.—11.

Senator Kimball moved to take from the table all bills of a local nature.

Senator Davis moved to lay that motion on the table.

Which was agreed to.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature,

No. 17, A.

An act to incorporate the Columbia Stadt and Ban Verien of Milwaukee.

No. 18, A.

An act to Incorporate the Farmer's Mutual Fire Insurance Company, of Calumet county.

No. 59, S.

An act to incorporate the Madison Gymnastic Association, called in German, Der Madison Turn Verein.

No. 64, S.

An act to change the name of Martha Rozilla Vantynie to Martha Rozilla Bierce, and to establish her heirship.

No. 18, S.

An act to provide for the publication and distribution of the laws of Wisconsin, concerning the Organization and Government of towns.

No. 95, S.

An act to appropriate to J. H. Castle, Sheriff of Waukesha county, the sum of forty dollars.

No. 127 S.

An act to legalize the official acts of Lewis Hedges, a justice of the peace of the town of Rushford, in the county of Winnebago.

No. 142 S.

An act to amend an act entitled an act to incorporate the fire department of the city of Janesville, approved March 5th, 1857.

And,

No. 367 A.

An act to divide the county of Marquette, and erect the county of Green Lake.

Which have been signed by the Speaker.

On motion of Senator Davis,

The rules were suspended, and

No. 263, A.,

Was read a third time, and

Passed.

And the ayes and noes were as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Joiner, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin and Worthington—18.

Senator Schulties voted in the negative.

Mr. Davis moved to suspend the rules, to take up,

Nos. 147, S., 299, A., and 300, A.,

Mr. Martin moved to adjourn.

Which was not agreed to.

And the ayes and noes being called for, were as follows :

Ayes—Messrs. Bennett, Boyd, Giles, Kimball, Martin, Proudfit, Sutherland and Tucker—8.

Noes—Messrs. Chappell, Clark, Davis, Joiner, Kingston, Mears, Pier, Schulteis, Simpson, Virgin and Worthington—11.

Senator Schulteis moved to lay Mr. Davis' motion on the table.

Senator Kimball moved a call of the Senate.

The following Senators answered to their names:

Messrs. Bennett, Boyd, Chappell, Clark, Davis, Giles, Joiner, Kimball, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Virgin and Worthington—19.

Senator Bennett moved that further proceedings under the call be dispensed with.

Senator Clark moved to adjourn.

Which was agreed to.

And the ayes and noes were as follows:

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Giles, Kimball, Martin, Proudfit, Sutherland and Tucker—10.

Noes—Messrs. Davis, Joiner, Kingston, Mears, Pier, Schulteis, Simpson, Virgin and Worthington—9.

SENATE CHAMBER,
March 8th, 4 o'clock P. M. }

Senate met pursuant to adjournment.

Roll of Senators called.

The absentees were Messrs. Chase, Clark, Davis, Greulich, McClellan, Schulteis, Smith, and Wheeler.

Journal of Saturday approved.

The President laid before the Senate the memorial of Wm. B. Walten.

Which was referred to the committee on claims.

Senator Walsh presented the account of H. L. Page, Sheriff of Milwaukee County.

Which was referred to committee on claims.

Senator Simpson offered the following:

Joint Resolution, No 88 S.

Whereas, By an act of the Legislature of 1857, the sum of ten thousand dollars was appropriated as a contingent fund to the Governor of the State of Wisconsin, to be by him expended, or so much thereof, as might be necessary, to defray certain incidental expenses of the State for the year 1857, And,

Whereas, Coles Bashford was then Governor of the State, and did draw the whole of said contingent fund out of the State Treasury; and,

Whereas, The said Coles Bashford is now absent from the State and has been for sometime past, and has neglected to make any report to this Legislature, as by law required, of the disposition by him made, if any, of such fund—and there being no evidence in the office of the Governor of this State, that said Coles Bashford ever disbursed the said fund or any part thereof, therefore

Resolved, by the Senate, the Assembly concurring, That the Attorney General of this State, be, and is hereby required, to commence an action forthwith against the said Coles Bashford, by warrent of attachment, or by such other legal proceedings as he may deem necessary, to recover the said sum of ten thousand dollars appropriated to him as Governor of the State by the act of the Legislature of 1857; as a contingent fund to defray certain incidental expenses of this State.

BILLS INTRODUCED.

By Senator Worthington,

No. 245 S.

A bill for an act to amend the charter of the Madison, Fond du Lac & Michigan Railroad Company.

Which was read a first and second times, and

Referred to the committee on railroads.

By Senator Tucker,

No. 246 S.

A bill for an act to amend chapter 405 of the private and local laws of the State of Wisconsin for the year 1857, entitled "An act to incorporate the village of Viroqua."

Which was read a 1st and 2d times, and
Referred to the committee on incorporations.

By Senator Martin,

No. 247 S.

A bill to organize the county of Shawano for judicial purposes.

Which was read a first and second times, and

Referred to the committee on the judiciary.

Also,

No. 248 S. also was read a first and second times.

A bill to incorporate the Northern Transit Company.

Which was read a 1st and 2d times, and

Referred to the committee on incorporations.

By Senator Sutherland,

No. 249 S.

A bill in relation to town roads in this State.

Which was read a 1st and 2d times, and

Referred to the committee on roads bridges and ferries.

By Senator Giles,

No. 250 S.

A bill to repeal chapter 40 of the general laws of 1857, entitled An act to provide for a Geological and Agricultural Survey of the State.

Which was read a first and second time, and

Referred to committee on State affairs.

By Senator Martin,

No. 251 S.,

A bill to amend the "act to incorporate an association for the completion of the improvement of the Fox and Wisconsin rivers," approved July 6, 1853.

Which was read a first and second times, and,

Referred to the committee on incorporations.

Senator Simpson submitted the following

REPORT:

The committee on roads, bridges, and ferries, to whom was referred No. 15 A., a bill for an act to lay out a State road in Monroe, Jackson, and Clark counties;

No. 83 A., a bill for an act to appoint commissioners to lay out a State road from Orion, Richland Co., to Sparta, in Monroe Co.;

No. 123 A., a bill for an act to amend an act entitled an Act in relation to State roads;

No. 205 A., a bill for an act to lay out a State road from New London, in Waupaca Co., to Peterson's Mill, in Shawano Co.;

And,

No. 135 A., a bill for an act to lay out a State road from Welanne, in Winnebago Co., to Stephen's Point, in Portage Co.; have had the same under consideration, and report the same back without amendment, and recommend their passage.

P. B. SIMPSON.

Chairman.

Senator Kimball, submitted the following

REPORT:

The committee on incorporations, report bill No. 167 A., a bill for an act to amend an act entitled "an act to incorporate the city of Hudson."

Also,

No. 178 A., a bill for an act to amend the charter of the Wisconsin State Insurance Co., and an act amendatory thereto, and recommend their passage.

M. L. KIMBALL,

Chairman.

Senator Tucker submitted the following report:

The joint committee on enrolled bills would respectfully report, that they find correctly enrolled the following bills:

No. 83, S., A bill to amend an act, entitled an act to authorize the Board of Supervisors of Milwaukee county to issue bonds, for the purpose therein named. Approved March 25, 1854.

No. 11, S.,

Memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac.

No. 68, S.,

An act to amend chapter 416 of the session laws of 1852, entitled an act to incorporate the Dodge County Mutual Insurance Company. Approved April 17, 1852.

No. 120, S.,

An act to incorporate the Manitowoc Seminary.

No. 14, S.,

Memorial to the Senate and House of Representatives of the United States, in Congress assembled.

W. H. TUCKER, Of Senate.

CHAS. G. RODOLF, Of Assembly.

The joint committee on enrolled bills report that they have on the 5th day of March, presented to the Governor for his approval.

No. 95 S.

An act to appropriate to J. H. Castle, Sheriff of Waukesha county, the sum of forty dollars.

No. 127 S.

An act to legalize the official acts of Lewis Hedges, a justice of the peace, of the town of Rushford, in the county of Winnebago.

No. 142 S.

An act to amend an act entitled an act to incorporate the fire department of the city of Janesville, approved March 5th, 1857.

No. 18 S.

An act to provide for the publication and distribution of the laws of Wisconsin, concerning the organization and government of towns.

No. 367 A.

An act to divide the county of Marquette, and erect the county of Green Lake.

WM. E. SMITH, Of Sen. Com.

CHAS. G. RODOLF, Of Ass. Com.

Message from his Excellency the Governor :

EXECUTIVE OFFICE,
Madison, March 6, 1858. }

TO THE SENATE :

An act emanating in the Senate, entitled "an act to incorporate the Oconto Lumbering Company," has been presented to me for my approval. I am compelled to withhold my approval, and to return the bill to the Senate with my objections. My objections do not go to the objects of the bill itself, so much as to the constitutional question involved, and to the general character of that species of Legislation. The bill creates a powerful corporation, with a capital stock not to exceed two hundred thousand dollars, but which may commence business, whenever fifty thousand dollars of stock is subscribed. The general object of the bill is to authorize the carrying on of the lumbering business, with power to buy and sell lands, erect mills and other buildings, erect and maintain booms on the Oconto river, buy and lease boats, &c., with all necessary and unnecessary powers granted to corporations of the kind, for the purpose of enabling said company to buy, sell, manufacture lumber, logs, timber, shingles, lath, and all suitable machinery for the manufacture and use of the same, &c.

The corporation is a private corporation, without banking powers or privileges, and the act by which it is created is declared by the 10th section to be a public act, to be favorably construed in all courts and places whatever. It is a corporation created for the benefit of individuals, to enable them by an association of capital, or by the reputation of associated capital, to carry on extensively, the business named in the act. There is no objection to the character of business intended to be done under the charter, or to the extent of the business which the corporators may desire or design to do, or to the gentlemen who are named as corporators. The business, while it is of a private character, may be considered incidentally a public benefit.

It may be well carried on by an individual or by an association of individuals. Chapter 51 on page 286 of the Revised Statutes, has provided, by general law, as required by the Constitution, for forming corporations of this character, and enumerates "Lumbering," as one of the purposes for which such corporations may be formed. There is no necessity, therefore, for a special charter for proper and necessary objects contemplated by this bill. Beyond all this, there is a Constitutional objection to this bill. If article 11, title "Corporations," of the Constitution of this State, means what it says, the Legislature ought not to pass any such act. Section 1, of that article is as follows:

"Corporations without banking powers or privileges, *may be formed under general laws, but shall not be created by special act*, except for municipal purposes, and in cases where in the *judgement of the Legislature*, the objects of the corporation can not be attained under general laws."

The general law already upon the Statutes, shows the judgment of the former Legislature upon the subject, and there is nothing in the present act showing a change of opinion or judgment in the present Legislature. The terms used in the Constitution are preemptory, and the design of the framers of that instrument, was, that only in extreme and unusual cases, should corporations be created by special act, with certain specified exceptions.

But beyond this constitutional objection, which I commend seriously to the attention of the Senate, there a multitude of general objections to this system of legislation. Year after year, the Executive of the State, in his annual message, has called the attention of the legislature to the evils of excessive legislation for private and local purposes. Such legislation is not necessary for the public benefit; it is not indispensable to the successful promotion of private enterprises.

Extraordinary powers ought never to be conferred, by special act, upon a private corporation, except in case of some

great necessity, and when the public are to receive a benefit commensurate with the powers conferred upon the corporation, as an equivalent for the use of the powers which the public authorizes private corporations to enjoy. There is immense power, now held, in this State by private corporations under special acts, and it has already been demonstrated to the mortification and disgrace of the people of this State, that the power and influence and wealth of a corporation, created by special act, may be prostituted to dangerous purposes.

As I before stated, the attention of the Legislature has been very frequently called to this subject, and the two branches of the Legislature have at different times acknowledged the propriety of the Executive suggestions, by passing resolutions upon the subject, to be forgotten as soon as passed.

The special legislation of the State has become a great evil, and it is a growing one. It interferes with the necessary general legislation of every session of the legislature. The general laws, resolutions and memorials of the legislature of 1857, are all contained in a volume of one hundred and fifty-seven pages, while the private and local laws of 1857, fill a volume of eleven hundred and thirty-seven pages. Three-fourths of the time of every session of the legislature, is taken up by this species of local legislation, to the neglect of such general legislation as is absolutely necessary for the public benefit, and a vast amount of business which ought to be done, is left undone, for want of a portion of that time unnecessarily and injudiciously consumed in local legislation.

The people suffer in the payment of large and unnecessary expenses in public printing and loss of time, and in ill considered and defective general laws. More than one-half of the printing expenses and Legislative expenses grow out of this system of useless legislation. The people are looking to this Legislature, not only to hunt out wrongs and frauds, already committed, but with high hopes that reforms, which should have been commenced long ago, shall be now

entered upon. When I called the attention of the Legislature to this subject, I meant what I said. I cannot, in justice to to my views upon this subject, or in justice to the people, be a party to any further Legislation of this kind, except in cases of manifest necessity.

I return this bill to the Senate, whence it emanated.

ALEX. W. RANDALL.

On motion of Senator Kimball,

The consideration of the message was postponed until to-morrow.

Message from the Governor :

EXECUTIVE OFFICE,
Madison, March 6, 1858. }

TO THE SENATE :

The following entitled acts, which originated in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State:

183 S., to regulate the terms of the circuit court in the county of Waupacca.

107 S., to provide for laying out a state road from Belmont, in La Fayette county, to the Junction House, in Grant county.

110 S., to amend an act entitled "An act to lay out a state road therein named," approved March 31, 1856.

118 S. to prevent obstructions in Hemlock river.

130 S., to legalize the assessment and assessment roll of the town of Franklin, in Bad Ax county, for the year 1857.

144 S., to authorize the Register of Deeds, in and for Waupacca county, to make a grantors and grantees index, and to transcribe certain records therein named,

95 S., to appropriate to J. H. Castle, Sheriff of Waukesha county the sum of forty dollars.

127 S., to legalize the official acts of Lewis Hedges, a justice of the peace of the town of Rushford, in the county of Winnebago.

18 S., to provide for the publication and distribution of the laws of Wisconsin, concerning the organization and government of towns.

142 S., to amend an act entitled "An act to incorporate the fire department of the city of Janesville," approved March 5th, 1857.

ALEX. W. RANDALL.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 40 A.

A bill for an act to incorporate the Reeds Landing and Eau Claire steam packet company.

No. 405 A.

A bill for an act to authorize joint school district No. 3 of Waupun, Chester, Alto and Trenton, in the counties of Dodge and Fond du Lac, to levy a special tax to build a school house.

No. 352 A.

A bill for an act to provide for the survey of the city of Appleton and the record thereof.

In which the concurrence of the Senate is requested.

And the Assembly have concurred in the passage of No. 227 S.

A bill to extend the time for the collection of taxes in the town of Eagle, Waukesha county.

And the Senate substitute for

Joint Resolution No. 24 A.

Instructing judiciary committee to have the amendments of the revisors of the statutes printed.

And,

No. 161 S.

A bill for an act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

No. 40 A,

Was read a first and second time, and
Referred to committee on incorporations.

No. 405 A.,

Was read a first and second time, and

Referred to committee on education, school and university lands.

No. 352 A.

Was read a first and second time, and

Referred to the committee on town and county organization.

Report of the committee of the whole taken up.

No. 73 A,

Was referred to the Senators from Milwaukee.

The petition of John H. Compton was rejected.

The memorial of the Board of Supervisors of the county of Fond du Lac was laid on the table.

Bills No. 72 A., and No. 97 S., were indefinitely postponed.

Nos. 64 A., 99 A., 907 A., 60 A., 70 A., 13 A., 124 S., 84 S., 231 A., 143 S., 125 S., and 136 S., were laid on the table.

Amendments of the committee of the whole, to No. 178 S., were concurred in.

Senator Cook moved to amend by inserting in the first line of Sec. 8 of printed bill, after the word "business," the words "and affairs."

Which was not agreed to and the ayes and noes were as follows:

Ayes.—Messrs. Cook, Hanchett, Martin, Maxon, Mears, Proudfit, Simpson, Sutherland, Tucker, and Walsh.—10

Noes.—Messrs. Bean, Bennett, Boyd, Clark, Giles, Joiner, Kimball, Kingston, Pier, Virgin, Warren, and Worthington.—12.

Senator Cook moved to amend, by inserting, in the 3d line of the printed bill, after the word "Institution," the words, "and prescribe the security to be required from its officers and agents."

Which was agreed to.

And the ayes and noes were as follows:

Ayes—Messrs. Bean, Bennett, Clark, Cook, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Virgin, Warren, Walsh—21.

Noes—Messrs. Boyd and Worthington—2.

Senator Kimball, moved to indefinitely postpone the further consideration of the bill.

Which was not agreed to.

And the ayes and noes were as follows :

Ayes—Messrs. Giles, Hanchett, Kimball, Martin, Maxon, Pier, Simpson and Virgin—8.

Noes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Joiner, Kingston, Mears, Proudfit, Sutherland, Tucker, Warren, Walsh and Worthington—14.

The bill was ordered to a third reading.

And the ayes and noes were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Joiner, Kingston, Mears, Proudfit, Sutherland, Tucker, Warren, Walsh and Worthington—14.

Noes—Messrs. Giles, Hanchett, Kimball, Martin, Maxon, Pier, Simpson and Virgin—8.

On motion of Senator Giles,

The report of the committee on the contested seat from the 14th District.

Senator Bean moved that it be made the special order for to-morrow at 11 o'clock, and that the contestants be permitted a hearing.

Which was agreed to.

Senator Cook, on leave, offered the following resolution.

Resolved, That the State Librarian is hereby required, within two days after service on him of a copy of this resolution, to report to the Senate, whether the State Library has been replenished by the purchase of books by Coles Bashford, late Governor of the State, and by having the same placed in the State Library, as contemplated by an act entitled "An act for replenishing the State Library," approved March 9th, 1857. And in case any books have been purchased pursuant to said act, that said Librarian shall also then make and report a catalogue of the same, with the cost of such books, and name of the vender from whom the same were obtained.

Further Resolved, That the clerk of the Senate serve a copy of the foregoing resolution on the Librarian, immediately after its passage.

Adjourned.

SENATE CHAMBER, }
March 9th, 9 o'clock, A. M. }

Senate assembled.

Lieutenant Governor in the chair.

Rev. Mr. Millour officiated as chaplain.

Roll of Senators called.

Absentees, Clark, Hanchett, McClellan, Martin, Simpson and Wheeler.

Journal of yesterday read, corrected and adopted.

MEMORIALS, PETITIONS, ETC., REFERRED.

By Senator Kingston.

Petition of J. W. Thompson and others, praying for laying out a State road.

To Committee on Roads, Bridges and Ferries

By Senator Smith.

Petition of the Trustees of the village of Waupun for authority to levy and collect a special tax in said village.

To Committee on Judiciary.

RESOLUTIONS INTRODUCED.

By Senator Cook.

Resolved, That the State Treasurer is required hereby immediately to report to the Senate whether any money has been drawn from the State Treasury since the 9th day of March, 1857, under the provision of an act entitled, "an act for replenishing the State Library," and report, also, what amount of money, if any, has been so drawn, and by whom it was had and when received.

Further, *Resolved*, That the Clerk of the Senate be required to serve

a copy of the foregoing resolution immediately after its passage.

Rules suspended, resolution adopted.

RESOLUTIONS TAKEN UP.

No. 84 S.

Resolved, That the State Librarian is hereby required, within two days after service on him of a copy of this resolution, to report to the Senate, whether the State Library has been replenished by the purchase of books by Coles Bashford, late Governor of the State, and by having the same placed in the State Library, as contemplated by an act entitled "An act for replenishing the State Library," approved March 9th, 1857. And in case any books have been purchased pursuant to said act, that said Librarian shall also then make and report a catalogue of the same, with the cost of such books, and name of the vender from which the same were obtained.

Further Resolved, That the clerk of the Senate serve a copy of the foregoing resolution on the Librarian, immediately after its passage.

Adopted.

Joint Resolution, No 38 S.

Whereas, By an act of the Legislature of 1857, the sum of ten thousand dollars was appropriated as a contingent fund to the Governor of the State of Wisconsin, to be by him expended, or so much thereof, as might be necessary, to defray certain incidental expenses of the State for the year 1857, And,

Whereas, Coles Bashford was then Governor of the State, and did draw the whole of said contingent fund out of the State Treasury; and,

Whereas, The said Coles Bashford is now absent from the State and has been for sometime past, and has neglected to make any report to this Legislature, as by law required, of

the disposition by him made, if any, of such fund—and there being no evidence in the office of the Governor of this State, that said Coles Bashford ever disbursed the said fund or any part thereof, therefore

Resolved, by the Senate, the Assembly concurring, That the Attorney General of this State, be, and is hereby required, to commence an action forthwith against the said Coles Bashford, by warrent of attactment, or by such other legal proceedings as he may deem necessary, to recover the said sum of ten thousand dollars appropriated to him as Governor of the State by the act of the Legislature of 1857, as a contingent fund to defray certain incidental expenses of this State:

On motion of Senator Giles,

Laid on the table one week.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Sen. Greulich,

No. 253 S., a bill for an act to amend an act entitled “an act to incorpote the Merchants Mutual Insurance Company,” and the acts amendatory thereof,

To committee on incorporations.

Also,

No. 254, a bill for an act to incorporate the Milwaukee Law Library,

To committee on judiciary.

By Senator Smith,

No. 256 S, a bill for an act to authorize the Trustees of the village of Waupun to levy and collect a special tax,

To committee on the judiciary.

By Senator Kingston,

No. 257 S, a bill for an act requiring the Register of Deeds of Adams county to deliver certain records,

To committee on judiciary.

By Senator Hanchett.

No. 258 S.

A bill for an act to incorporate the Wisconsin River Log Driving Company.

To committee on incorporations.

By Senator Kimball.

No. 255 S.

A bill for an act to repeal an act entitled "an act for the encouragement of academics and normal schools."

To committee on judiciary.

COMMITTEE REPORTS.

By Senator Warren.

Committee on engrossed bills report bill No. 154 S., a bill for an act providing for the reorganizing, enrolling, and discipline of the militia of the State of Wisconsin.

Bill No. 48 S., a bill for an act to incorporate the city of Superior;

Correctly engrossed. J. H. WARREN, Chairman.

By Senator Warren.

The joint committee on enrolled bills report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 121 A.

An act to authorize school district No. 5, in the town of Plattville, Grant Co., to borrow money.

No. 174 A.

An act to incorporate the Lake Michigan Transit Company.

No. 340 A.

An act to incorporate the Milwaukee Warehousing Company.

No. 42 A.

An act to amend an act entitled "an act to incorporate the Chippewa Valley Rail Road Company," approved March 5th, 1857.

J. H. WARREN,
Of Senate Com.
GEO. C. SMITH,
Of Assem. Com.

By Senator Kingston.

The select committee to whom was referred Senate bill No. 21, entitled an act to amend an act entitled "an act to organize the county of Juneau, and to locate the county seat thereof," together with the message of the Governor relating to the same, and the accompanying papers, beg leave to report.

That they have examined all the papers and affidavits furnished them by the Governor touching the question. That said affidavits go to show that the Register's office of Adams county was not, until with a few months past, "*absolutely*" larger than was required for the daily business of said office, but said affidavits, although coming from his assistants and immediate neighbors, fail to show, with the solitary exception of the affidavit of the Register himself, that he had used due diligence in the prosecution of the duties imposed upon him by the act requiring him to transcribe said records.

Your committee are therefore of the opinion that all the facts in the case, within the knowledge of your committee, were not presented for the consideration of the Governor.

Respectfully submitted,

J. T. KINGSTON,

Chairman Committee.

Message from his Excellency the Governor, returning
No. 76 S.

An act to incorporate the Oconto Lumbering Company.
Which his objections.

Taken up.

Senator Chase moved to postpone the consideration of the
subject until Thursday.

The motion prevailed.

BILLS ON THIRD READING.

No. 154 S.

A bill for an act providing for the organization, enrolling and discipline of the militia of the State of Wisconsin.

Ordered to third reading.

Senator Kimball asked unanimous consent of the Senate as to amend bill as to restrict amount of stationery furnished Commissary General, to one hundred dollars, and amount of blanks to one hundred dollars.

Senator Martin objecting.

The amendment was rejected.

Senator Giles moved to reconsider the vote by which the bill was ordered to third reading.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook Davis, Giles, Greulich, Kimball, Kingston, Martin, Pier, Schulteis, Simpson, Smith, Sutherland, Warren, and Worthington.—19.

Noes.—Messrs. Chase, Hanchett, Joiner, Maxon, Mears, Tucker, Virgin, and Walsh.—8.

The motion prevailed.

Senator Sutherland offered the following amendment.

Amend Section 15 of the bill by inserting after the word "forms" in the 11th line "which blanks, blank books and forms, shall not cost more than one hundred dollars per annum.

Adopted,

Also add to Sec. 16, "which shall not exceed in amount one hundred dollars."

Senator Davis offered the following amendment.

Amend section 11, after the word year, in 27th line, by adding "Which shall be in full for all expenses incurred in taking care of all public property belonging to his department."

Adopted.

Senator Schulteis offered the following amendment.

Amend section 13 by striking out "required," and insert "invite."

Senator Giles moved to amend the amendment by inserting before "invite," the words "most respectfully."

The motion prevailed.

The amendment as amended was lost.

Senator Giles moved to order bill to re-engrossment for a third reading.

Senator Cook moved to amend section 11 by striking out "six hundred," and inserting "eight hundred," as salary of Commissary General.

The ayes and noes being demanded and had, were as follows:

Ayes—Messrs. Bean, Cook, Davis, Martin, Maxon, Mears Schulteis, Simpson and Virgin—9.

Noes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Pier, Smith, Sutherland, Tucker, Warren, Walsh and Worthington—18.

The amendment was rejected.

Senator Kimball offered the following amendment:

Amend section 11, by striking out "security," in 28th line, and insert, "two sufficient sureties, to be approved by the Secretary of State."

Adopted.

Ordered re-engrossed for a third reading.

No. 246, A.,

A bill to provide for the payment of the Clerk of the Revisors.

Senator Clark offered the following amendment:

Strike out the words, "the same as that now allowed to the enrolling and transcribing clerks," and insert the words, "three dollars per day."

Senator Giles called for a division of the question.

A division was had.

The question on striking out said clause.

The ayes and noes were asked for and taken, and were as follows:

Ayes—Messrs. Bennett, Boyd, Clark, Greulich, Kingston, Maxon, Pier, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—14.

Noes—Messrs. Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, Martin, Mears, Proudfit, Simpson, Tucker—12.

The motion prevailed.

Senator Mears moved to fill blank with "three dollars and seventy-five cents."

The ayes and noes were had, and were as follows :

Ayes—Messrs. Chase, Cook, Giles, Hanchett, Joiner, Kimball, Martin, Mears, Proudfit, Simpson, Tucker—11.

Noes—Messrs. Bennett, Boyd, Clark, Davis, Greulich, Kingston, Maxon, Pier, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—15.

Not agreed to.

Senator Giles moved to insert 'three dollars and fifty cents.'

Senator Virgin moved the previous question.

The question being, "shall the main question be put."

The motion prevailed.

And the main question ordered.

Senator Kimball moved a call of the Senate.

A call was had.

The absentees were Senators McClellan, Proudfit and Wheeler.

The Sergeant-at-arms was dispatched for the absentees.

The Sergeant-at-arms reported the absentees as having all come in.

On motion of Senator Clark,

Further proceeding under the call dispensed with.

The question being on inserting "three dollars and fifty cents" to fill blanks,

Those voting in the affirmative were,

Ayes—Messrs. Chappell, Chase, Cook, Giles, Hanchett, Kimball, Martin, Mears, Proudfit, Simpson, Tucker—11.

Those voting in the negative were,

Noes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Greulich, Joiner, Kingston, Maxon, Pier, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—17.

Not agreed to.

The question recurring upon the motion of Senator Clark, to fill said blanks, with "three dollars per day."

The ayes and noes being had, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Grenlich, Kingston, Maxon, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—18.

Noes—Messrs. Chase, Cook, Giles, Joiner, Kimball, Martin, Mears, Simpson, Tucker—9.

The motion prevailed.

Bill ordered to third reading,

Read the third time.

The question being on the passage of the bill as amended.

The ayes and noes being required, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, Kingston, Maxon, Pier, Proudfit, Schulteis, Smith, Virgin, Warren, Walsh, Worthington—17.

Noes—Messrs. Chase, Cook, Giles, Joiner, Kimball, Martin, Mears, Simpson—8.

Passed.

Title agreed to.

On motion of Senator Kingston,

Report of special committee upon the evidence in the Juneau county matter of transcribing records of said county, and,

The message of his excellency the Governor returning,

Bill No. 21 S., an act to amend an act entitled, "an act to organize the county of Juneau, and to locate the county seat thereof," approved Oct. 13th 1856.

Taken up.

The question being upon the passage of the bill, notwithstanding the objections of the Governor,

The ayes and noes were :

Ayes.—Messrs. Clark, Kingston, Martin, Mears, Proudfit, Schulteis, Simpson, and Walsh.—8.

Noes.—Messrs. Bean, Bennett, Boyd, Davis, Giles, Hanchett, Joiner, Kimball, Maxon, Pier, Smith, Sutherland, Virgin, Warren, and Worthington.—15.

The bill was declared lost.

BILLS REPORTED BY A COMMITTEE OF THE WHOLE.

No. 155 S., a bill for An act to provide for the keeping of irlsane persons, and to authorize the Secretary of State to audit accounts therefor.

Senator Cook moved to refer to select committee of three.

The motion prevailed.

Senators Virgin, Kimball and Simpson were appointed such committee.

Senator Bean moved that when the Senate adjourn, it be until 7 1-2 o'clock P. M.

And that the contested election case from the 14th district, be made the special order for that hour.

The motion prequailed.

Message from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature,

No. 83 S.

A bill to amend an act entitled an act to authorize the board of supervisors of Milwaukee county to issue bonds for the purpose therein named, approved March 25, 1854.

Mem. No. 11 S.

Memorial to Congress for a mail route from the village of Barton, in Washington county. to the city of Fond du Lac.

No. 68 S.

An act to amend chapter 416 of the session laws of 1852, entitled an act to incorporate the Dodge county mutual insurance company, approved April 17th, 1852.

No. 120 S.

An act to incorporate the Manitowoc seminary.

Mem. No. 14 S.

Memorial to the Senate and House of Representatives of the United States in Congress assembled.

Which have severally been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed

No. 437, A.,

A bill for an act to extend the time for the collection of taxes in the county of Marathon, for the year 1857;

No. 146, A.,

Entitled a bill for an act to amend an act entitled an act to incorporate the Wisconsin Bridge Company;

No. 170, A.,

A bill for an act to lay out a state road from Fountain City to Pepin, in Dunn county;

No. 201, A.,

A bill for an act to lay out a state road from Darlington, to the town of Kendall, in the county of La Fayette;

No. 245, A.,

A bill for an act to amend chapter 210, of the private and local laws of 1857, entitled an act to incorporate the Muscoda and Richland Bridge Company;

No. 258, A.,

A bill for an act to repeal chapter 120 of private and local laws of 1857, and to repeal state road therein named.

No. 182, A.,

A bill for an act to lay out a state road from Chippewa City, via Conterell, to Ashland;

No. 103, A.,

Entitled a bill for an act to incorporate the Fireman' Insurance Company;

No. 169, A.,

A bill for an act to authorize the construction and maintenance of a bridge across the Chippewa river, in Eau Claire county;

Memorial, No. 136, A.,

Memorial for a mail route from LaCrosse, in LaCrosse county, via Galesville, Fountain City, Belvidere and Alma, in Buffalo county; to Pepin, in Pepin county;

And,

No. 342, A.,

A bill for an act to authorize School Districts to vote taxes at special meetings;

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of,

No. 67, S.,

A bill for an act to legalize the acts of the Board of Supervisors of the town of Brooklyn, in the county of Green;

No. 72, S.,

A bill to enable the State Superintendent of Public Instruction to complete the distribution of Webster's unabridged dictionaries;

No. 164, S.,

A bill to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857;

No. 83, S.,

A bill to amend an act entitled an act to authorize the Board of Supervisors of Milwaukee county to issue bonds, for the purpose therein named. Approved March 25, 1854.

Memorial, No. 11, S.,

Memorial, to Congress, for a mail route from the village of Barton, in Washington Co., to the city of Fond du Lac;

No. 68, S.,

An act to amend chapter 416 of the session laws of 1852, entitled an act to incorporate the Dodge County Mutual Insurance Company. Approved, April 17th, 1852;

No. 120, S.,

An act to incorporate the Manitawoc Seminary;

Memorial, No. 14, S.,

Memorial to the Senate and House of Representatives of the United States, in Congress assembled;

Without amendment.

No. 138 S.

Bill for an act authorizing the borrowing of money on the faith and credit of the State, for the purpose of defraying certain extraordinary expenditures.

With amendments, in which the concurrence of Senate is requested.

And have laid on the table,

No. 111 S.

A bill for an act to authorize the laying out of a state road, commencing in section 25, township 27, range 15, in the county of Shawano, to Big Bull Falls, in the county of Marathon.

On motion of Senator Davis,

Rules suspended,

No. 138 S., taken up.

Senator Simpson moved to refer to committee on judiciary.

Not agreed to.

Amendments of Assembly concurred in.

On motion,

Senate adjourned.

7 1-2 o'clock P M.

Senate met pursuant to adjournment.

Senator Giles, President *pro tem*, in the chair.

Roll of Senators called.

Messrs. Bean, Davis, Kimball, McClellan, Pier, Proudfit, Schulteis, Simpson, Virgin and Wheeler absent.

SPECIAL ORDER.

In the matter of the contested election from the 14th Senatorial District.

Special order for 7 1-2 o'clock.

Report of committee on privileges and elections upon said matter read.

Senator Clark offered, as an amendment to the report of the committee,

Resolution, No. 86, S.,

Amend the report, by adding the following:

Therefore Resolved, That William Chappell be, and he is hereby declared duly elected, as the Representative of the Fourteenth Senate District, and entitled to retain his seat in this body.

Senator Sutherland moved that William T. Butler be now invited to speak to the question under consideration.

The motion prevailed.

Mr. Butler addressed the Senate.

The question being on the adoption of Resolution No. 86 S.

The ayes and noes were called for and ordered, and were as follows :

Ayes—Messrs. Bennett, Boyd, Chase, Clark, Cook, Giles, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Tucker, Virgin, Warren, Walsh, Worthington—21.

Noes—Messrs. Bean, Davis—2.

The resolution was adopted.

The report of the committee as amended was adopted.

On motion,

Senate adjourned.

SENATE CHAMBER,
March 10, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President *pro tem.*, in the chair.

Roll of Senators called.

The absentees were Senators Cook, Kimball, McClellan, Proudfit, Smith, Tucker and Wheeler.

Journal of yesterday read and approved.

LETTERS, PETITIONS, ETC., PRESENTED.

Communication from State Treasurer.

OFFICE OF STATE TREASURER, }
Madison, March 9, 1858. }

TO THE SENATE—

In reply to your resolution of inquiry adopted this morning relative to money drawn from the State Treasury since the ninth day of March, 1857, under the provisions of an act for the replenishing of the State Library, I would remark that Twelve Hundred dollars was drawn on the ninth day of June, 1857, by Horace Rublee, State Librarian, on the order of

His Excellency Coles Bashford, being amount appropriated by chapter ninety-six of the general laws of 1857, entitled "an act to replenish the State Library."

Very respectfully,

SAMUEL D. HASTINGS,
State Treasurer.

By Senator Warren.

Memorial No. 20, S.

Memorial to Congress for a mail route from Broadhead via Albany and Morefield to Monticello.

Referred to general file.

By Senator Smith.

Petition of Benjamin Ferguson and others for investigation into the conduct of certain officers of the LaCrosse and Milwaukee Railroad Company.

Referred to joint special committee for investigation.

By Senator Pier,

Account of S. G. Benedict against the State.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Simpson,

No. 87 S.,

Resolved, That the State will not be responsible to pay for any newspapers hereafter sent to any of the members and officers of the Senate, and the Secretary of State is hereby required to not audit the accounts for any newspapers sent to any of the members or officers of the Senate from and after the adoption of this resolution.

Resolved, That the Post Master of this city be directed to forward a copy of the above resolution to all the publishers who furnish copies of newspapers to the members and officers of the Senate.

By Senator Worthington,

No. 88 S.,

Resolved, That the judiciary committee be requested to report at as early a day as convenient, whether in their opinion

a banking association can, under the existing bank law, reduce their capital stock.

By Senator Greulich,

Joint Resolution, No. 39 S.,

Resolved, by the Senate, the Assembly concurring, That no new bills will be received or acted upon by either House of the Legislature from and after the 20th day of the present month.

By Senator Martin.

Whereas, The people of the Territory of Minnesota were authorized by an act of Congress to form a Constitution and State Government, preparatory to admission into the Union as one of the United States of America: and

Whereas, In conformity with the provisions of said act a Constitution has been formed and ratified by the people of said Territory, and Senators and Representatives have been elected to represent said State in the Congress of the United States, who have been hitherto unreasonably denied admission to, and participation in, the deliberations of Congress, therefore,

Resolved by the Senate and Assembly of the State of Wisconsin, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to demand the immediate admission of Minnesota into the Union, as one of the United States of America.

Resolved, That a copy of the foregoing Preamble and Resolutions be transmitted to each of the Senators and Representatives, from Wisconsin, in Congress.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Hanchett.

No. 259 S.

An act to require the State's Prison Commissioner, to allow the account of Whitney & Dupont, amounting to \$51 84.

To committee on State's Prison.

By Senator Chappell.

No. 260 S.

A bill for an act to appropriate to William T. Butler, a certain sum of money for contesting the seat of Wm. Chappell, Senator from the 14th Senatorial district.

To committee on claims.

By Senator Simpson.

No. 261 S.

A bill for an act to repeal certain parts of an act entitled "an act to provide for the disposal of the swamp and overflowed lands," approved October 11th 1856.

To committee on the judiciary.

By Senator Boyd.

No. 262 S.

A bill for an act to amend an act entitled "an act to incorporate School District No. 1 in the town of Geneva, Walworth county," approved March 9, 1857.

To committee on Education, School and University lands.

COMMITTEE REPORTS.

By Senator Chase.

The judiciary committee report back bills Nos. 165 S., To legalize the proceedings of a school meeting in Bellvidere, Buffalo county. 213 S., Recommending to the electors of this State to vote for or against a Convention to revise the Constitution. 257 S., Requiring the Register of Deeds of Adams county to deliver certain records; without amendment, and recommend their passage.

Also,

No. 206 S., To amend chap. 120 of the revised statutes, entitled "of the lien of mechanics and others," with amendments, and recommend its passage, when so amended.

No. 11 S. To repeal chap. 92 of session laws of 1856, entitled "an act to amend chap. 79 of the revised statutes, in relation to divorces;" without amendment.

Also,

240 S., To attach Richland county to the sixth judicial circuit; and recommend its passage.

C. S. CHASE, Chairman.

By Senator Davis.

The committee on railroads to whom was referred No. 245 S., A bill for an act to amend the charter of the Madison, Fond du Lac & Michigan Railroad Company."

And,

No. 44 A., A bill for an act to change the time of holding the annual election of Directors of the Wisconsin Central Railroad Company," have considered the same, and report the bills back to the Senate without amendment, and recommend their passage.

M. M. DAVIS,
For Committee.

By Senator Warren.

Committee on engrossed bills report bill No. 154 S., correctly engrossed.

J. H. WARREN,
Chairman.

By Senator Greulich.

The committee to whom bill No. 73 A., was referred, consisting of the Milwaukee delegation, report the said bill back with an amendment, and recommend the passage of the same when so amended.

A. GREULICH,
P. WALSH.

By Senator Warren,

The joint committee on enrolled bills report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 15 S.

Memorial to Congress for amount due from sales of public lands lying within this State.

No. 79 S.

An act to legalize the official acts of Dominick Hunt, a justice of the peace in the county of Brown.

No. 91 S.

An act to amend the act entitled an act to incorporate the Green Bay, Depere & Madison Railroad Company, approved March 17, 1858.

No. 161 S.

An act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

No. 227 S.

An act to extend the time for the collection of taxes in the town of Eagle, in Waukesha county.

J. H. WARREN,

Of Senate Com.

GEO. C. SMITH,

Of Assembly Com.

By Senator Bean,

The committee on town and county organization, to whom was referred bill

No. 352 A.

Have had the same under consideration, and report it back to the Senate and recommend its passage.

S. C. BEAN,

Chairman.

By Senator Warner,

Committee on enrolled bills report, that they have examined and compared bill

No. 138 S.

A bill for an act authorizing the borrowing of money on the faith and credit of the State for the purpose of defraying certain extraordinary expenditures.

J. H. WARREN,

Of Sen. Com.

GEO. C. SMITH,

Of Ass. Com.

By Senator Sutherland,

The committee on education, school and university lands, to which was referred

No. 182 S.

A bill for an act to authorize the State Superintendent to apportion monies to certain school districts therein named.

Report the same without amendment, and recommend its passage.

J. SUTHERLAND,

Chairman.

By Senator Bennett,

The committee to whom was referred,

No. 47, S.,

A bill to amend chapter 15 of the revised statutes, in relation to the assessment and valuation of taxes.

Have had the same under consideration, and report back said bill with sundry amendments.

And recommend passage when so amended.

BENNETT,

Chairman.

Senator Bennett moved that No. 47, S., be made the special order for 11 o'clock, this day which was agreed to.

Message from His Excellency, the Governor:

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March, 9, 1858. }

TO THE HONORABLE THE SENATE—

I find on examination that an error occurred in my message, returning the bill, entitled "an act to incorporate the Oconto Lumbering Company." I had overlooked the fact that chapter 51, on page 286, of the revised statutes, had been repealed by an act, entitled "an act for the organization of joint stock companies," approved April 2d, 1853. This last mentioned act was passed to further the objects of this general law upon the subject, and to cure supposed defects in chapter 51, page 236, of the revised statutes. Your attention is invited to the act of April, 1853, in your consideration of the subject matter of the message.

ALEX. W. RANDALL.

ASSEMBLY BILLS,

READ FIRST AND SECOND TIMES AND REFERRED.

No. 437, A.,

A bill for the incorporation of the

A bill for an act to extend the time for the collection of taxes in the county of Marathon, for the year 1857.

To general file.

No. 103, A.,

Entitled a bill for an act to incorporate the Fireman's Insurance Company.

To committee on incorporations.

No. 342, A.,

A bill for an act to authorize school districts to vote taxes at special meetings.

To committee on education, school and university lands.

No. 146, A.,

Entitled a bill for an act to amend an act entitled an act to incorporate the Wisconsin Bridge Company.

No. 169, A.,

A bill for an act to authorize the construction and maintenance of a bridge across the Chippewa river, in Eau Claire county.

No. 245 A.,

A bill for an act to amend chapter 210, of the private and local laws of 1857, entitled an act to incorporate the Muscoda and Richland Bridge Company.

No. 182 A.,

A bill for an act to lay out a State road from Chippewa city, via Conterell, to Ashland.

No. 201 A.,

A bill for an act to lay out a State road from Darlington, to the town of Kendall, in the county of La Fayette.

No. 170 A.,

A bill for an act lay out a State road from Fountain City to Pepin, in Dunn county.

No. 258 A.,

A bill for an act to repeal chapter 120 of private and local laws of 1857, and to repeal State road therein named.

To committee on roads, bridges, and ferries.

Memorial No. 136 A.,

Memorial for a mail route from La Crosse, in La Crosse Co., via Galesville, Fountain city, Belvidere, and Alma, in Buffalo Co.; to Pepin in Pepin county.

To general file.

BILLS ON THIRD READING.

Read a third time,

Passed.

The ayes and noes were as follows;

Ayes.—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Gilos, Greulich, Joiner, Maxon, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, Walsh, and Worthington.—17.

Noes.—Messrs. Bean, Davis, Hanchett, Kimball Kingston, Martin, Pier, Schulteis, Virgin, and Warren.—10.

No. 178, S.

A bill for an act to incorporate the Janesville Savings Institution.

Read third time.

Passed.

Those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Clark, Davis, Greulich, Hanchett, Joiner, Kingston, Mears, Proudfit, Smith, Sutherland, Tucker, Warren, Walsh and Worthington—17.

Those voting in the negative were

Messrs. Chase, Giles, Kimball, Martin, Maxon, Pier, Schulteis, Simpson, Virgin—9.

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 109, S.

A bill for an act to appropriate a certain sum of money therein named.

Amendments of committee concurred in.

Ordered engrossed for a third reading.

No. 166, S.

A bill to incorporate the Milwaukee Emigrant Savings Bank.

Amendments concurred in.

The question being on ordering engrossed for a third reading, the ayes and noes were called for and had, and were as follows :

Ayes—Messrs. Bennett, Boyd, Cook, Greulich, Kingston, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, Walsh, Worthington—13.

Noes—Messrs. Chase, Davis, Giles, Joiner, Kimball, Martin, Maxon, Pier, Schulteis, Virgin and Warren—11.

Ordered engrossed for a third reading.

No. 77 A.

A bill for an act to incorporate the Broadhead Female Seminary.

Amendments concurred in.

The question being on ordering to third reading.

The ayes and noes were demanded and taken, and were as follows :

Ayes—Messrs. Bennett, Boyd, Clark, Cook, Davis, Greulich, Joiner, Kingston, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Worthington—19.

Noes—Messrs. Chase, Giles, Kimball, Maxon, Pier—5.

Ordered engrossed for a third reading.

No. 61 A.

A bill concerning the county seat of Juneau county.

Amendments concurred in.

Ordered to third reading.

No. 175 S.

A bill legalizing the official acts of B. E. Hale, Superintendent of Schools for the city of Beloit.

Amendments concurred in.

Ordered engrossed for third reading.

SPECIAL ORDER.

No. 47 S.

Special order for 11 o'clock.

Amendments of committee of the whole and of special committee concurred in and adopted.

Senator Bennett moved that the printed copy of the bill be engrossed when so ordered, and that the usual number of copies be printed for the use of the Assembly.

The motion prevailed.

Ordered engrossed for a third reading.

BILLS PASSED.

On motion of Senator Martin,

Rules suspended, and

Nos. 352 A, 379 A, 380 A, and 245 S,

Taken from general file.

No. 352 A.

A bill for an act to provide for a survey of the city of Appleton, and record thereof.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 379 A.

A bill for an act to appropriate to Lindemann & Rullman \$487 50.

Ordered to third reading.

Read the third time.

Three-fifths of all the members present.

Passed.

Those voting in the affirmative were

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Sutherland, Virgin, Warren, Walsh and Worthington—20.

None voting in the negative.

Title agreed to.

No. 380 S.

A bill to appropriate to K. J. Fleischer, the sum of \$182 50,

Ordered to read reading.

Read the third time.

Three-fifths of all the members present.

Passed.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Sutherland, Virgin, Warren, Walsh and Worthington—21.

None voting in the negative.

No. 245, S.,

A bill for an act to appropriate to L. R. Graves the sum of \$273 10.

Ordered to third reading.

Read third time.

Three-fifths of all the members present.

Passed.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Sutherland, Virgin, Warren, Walsh and Worthington—21.

None voting in the negative.

Senator Davis moved to suspend the rules for the purpose of considering,

Nos. 73, A.. and 437, A.,

The motion prevailed.

No. 73, A.,

A bill for an act to incorporate the St. Joseph Sisters of Charity.

Amendments of committee adopted.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 437, A.

A bill for an act to extend the time for the collection of taxes in the county of Marathon, for the year 1857.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Chappell, Davis, Greulich,
Kimball, Kingston, Mears, Schulteis, Sutherland, Walsh,
Worthington—13.

Those voting in the negative were

Messrs. Giles, Joiner, Maxon, Pier, Virgin, Warren—6.

Title agreed to.

On motion of Senator Sutherland,

Rules suspended,

And,

No. 231, S.

A bill to incorporate the Western Novelty Works, of Janes-
ville,

Taken up.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Senator Hanchett, on leave, introduced

No. 263, S.

A bill for an act to amend chapter 115 of the laws of 1856,
entitled, "an act to provide for the annual examination of the
accounts of certain State officers.

Read first and second times,

On motion of Senator Hanchett,

Rules suspended.

Ordered to third reading,

Read the third time.

Passed.

Title agreed to.

Senator Martin moved to adjourn.

Senator Davis moved to adjourn until 7 1-2 o'clock this
evening.

The motion prevailed.

Senate adjourned.

7 1-2 o'clock, P. M.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll of Senators called.

Senators Chase, Cook, Greulich, Hanchett, Kimball, Simpson, Tucker, Walsh, and Wheeler, absent.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Clark,

No. 265 S.,

A bill for an act to define the boundaries of certain counties therein named.

To committee on town and county organization,

By Senator Martin,

No. 266 S.,

A bill to amend chapter 102 of the general laws of 1857 entitled "an act to fix the salaries of the Judges of the Circuit courts."

To general file.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to present for your signature.

No. 121 A.

An act to authorize school district No. 5, in the town of Platteville, Grant county, to borrow money.

No. 174 A.

An act to incorporate the Lake Michigan Transit Company.

No. 340 A.

An act to incorporate the Milwaukee Warehousing Company.

No. 42 A.

An act to amend an act entitled an act to incorporate the Chippewa Valley Railroad company, approved March 5th, 1857.

Which have been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed:
No. 236 A.

A bill for an act to amend chapter 30 of the private and local laws of 1857, being an act to authorize the laying out and establishing a state road from Dunleith, on the Illinois State line, to Boscobel, in the county of Grant.

No. 269 A.

A bill for an act to authorize the president and trustees of the village of Sparta, to divide the village into wards.

No. 289 A.

A bill for an act to legalize a certain map of the village of Dodgeville.

No. 137 A.

Entitled a bill for an act to incorporate the village of Springdale.

No. 216 A.

A bill for an act to repeal a part chapter 322, of the session laws of 1857, being an act entitled an act to authorize certain towns in Marquette, Waushara and Waupaca counties, to aid in the construction of the Berlin, Wolf River and Waukecheon railroad company.

No. 265 A.

A bill for an act to vacate a part of the village plat of Saxville, in the county of Dodge.

No. 230 A.

A bill for an act to authorize the town of Center to borrow money to build a bridge.

No. 213 A.

A bill for an act to incorporate the Black River Falls academy.

No. 171 A.

A bill for an act to lay out a state road from Appleton to Shawano.

No. 333 A.

A bill for an act to amend chapter 315 of the private and local laws of the year 1856, entitled "an act for the preservation of fish in Lake Ripley."

No. 259 A,

A bill for an act to legalize a state road from Sparta to Richmond.

No. 323 A,

To appropriate to Herman L. Page the sum of three hundred and thirty-six dollars and thirty-six cents.

No. 291 A.

To appropriate to H. H. Houghton & Co., the sum of \$1,338, for gold pens.

No. 318 A.

A bill for an act to appropriate to O. S. Phelps the sum of ten dollars and fifty cents.

No. 162 A.

A bill for an act to repeal chapter 351 of private and local laws of 1857.

No. 320 A,

Appropriating to J. S. Webster the sum of thirteen dollars.

No. 321 A.

To appropriate to Gleason & Brother the sum of two hundred and eighty-four dollars and forty-four cents.

No. 317 A.

To appropriate to S. M. Booth the sum of sixteen dollars.

No. 439 A.

A bill for an act to amend an act entitled "An act to extend the time for the payment of the interest due the swamp land and school funds of this State," approved March 6th 1858.

No. 378 A.

A bill for an act to appropriate to J. H. Cleaves the sum of \$25.

No. 319 A.

A bill for an act to appropriate to Adams & Adams the sum of two hundred and sixty-seven dollars and twenty-two cents.

No. 442 A.

A bill for an act to legalize the official acts of John W. Hall, a justice of the peace of the town of Forest in the co. of Fond du Lac.

No. 191 A.

A bill for an act to appropriate to Sharp & Oakley the sum of money therein named.

MR. PRESIDENT:

I am directed to present for your signature

No. 227 S, an act to extend the time for the collection of taxes in the town of Eagle, Waukesha county.

No. 138 S, an act authorizing the borrowing of money on the faith and credit of the State for the purpose of defraying certain extraordinary expenditures.

No. 161 S, a bill for an act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

No. 91 S, a bill to amend the act entitled an act to incorporate the Green Bay, Depere and Madison Railroad Company, approved March 11, 1853.

No. 79 S, a bill to legalize the official acts of Dominick Hunt, a justice of the peace, in the county of Brown.

Mem. No. 15 S, memorial to congress for amount due from the sales of public lands lying within this State.

Which have been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed
No. 457 A.

A bill for an act to extend the time for the collection of taxes in the town of Black Earth, county of Dane.

In which the concurrence of the Senate is requested.

No. 287 A.

A bill for an act to provide for the payment of the clerks of the joint committees, of the judiciary and claims.

I am also directed to inform you that the Assembly has insisted upon its amendment to the first section of

No. 29 S.

An act to legalize and provide for the collection of taxes in the county of Portage for the year 1857.

And request a committee of conference in relation thereto.

And have appointed on committee of conference on the part of the Assembly, Messrs. Millard, Hitt, McCarty.

No. 441 A.,

A bill for an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, and Waupacca.

No. 234 A.,

To appropriate to Joseph Keyes the sum of money therein named.

No. 98 A.,

Entitled a bill for an act to incorporate the village of Penoka.

No. 220 A.,

A bill for an act to incorporate the Sparta Academy.

No. 172 A.,

A bill for an act to lay out a State road from La Crosse, in La Crosse county, to Fountain city, in Buffalo county.

No. 202 A.,

Entitled a bill for an act to amend an act entitled an act to incorporate the village of Viroqua, approved March 9th, 1857.

No. 187 A.,

A bill for an act to amend section 1, of chapter 221 of the local laws of 1857, entitled "an act to amend section one of chapter 336 of the local laws of 1855.

No. 93 A., entitled a bill for an act to amend the charter of the city of Beaver Dam.

No. 290 A.,

A bill for an act to vacate a certain alley in the village of Cascade, in the county of Sheboygan.

No. 36 A., a bill for an act to vacate the village of Richfield, in the county of Washington.

No. 221 A.,

A bill for an act to vacate a part of the town plat of the village of Neshonoc, in La Crosse county.

No. 222 A., a bill for an act to incorporate the Highland mining company.

No. 204 A, a bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the Lawrence Institute of Wisconsin.

No. 218 A, a bill for an act to lay out a State road from Oconto, in Oconto county, to Wausau, in Marathon county.

No. 129 A, a bill for an act to vacate Ash street, in the village of West Bend, in the county of Washington.

No. 322 A, a bill for an act to appropriate to Green & Mackay, the sum of \$13 70.

No. 59 A, a bill to vacate certain alleys in the village of North Pepin.

In which the concurrence of the Senate is requested.

The Assembly have concurred in the passage of

No. 224 S, a bill for an act to amend an act entitled an act to extend the time for the collection of taxes in the city of La Crosse, approved Feb. 1st, 1857.

No. 217 S, a bill for the apportionment of school money to school district No. 8, in the town of Greenfield, Milwaukee county.

No. 198 S, an act to authorize the Treasurer of school district No. 1, in the town of Port Washington to receive county orders in payment of school district taxes.

Rules suspended.

Message taken up.

No. 29 S.

Senator Bennett moved that the request of the Assembly be conceded, and that a committee of conference be appointed.

The motion prevailed.

Senators Hanchett, Bennett and Mears, were appointed to act as such committee.

No. 457 A.

Read first and second times.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Clark, Greulich, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Walsh, Worthington—16

Those voting in the negative were :

Messrs. Chase, Cook, Davis, Giles, Joiner, Maxon, Pier, Virgin—8.

Title agreed to.

No. 287 A.

Read first and second times.

Senator Worthington moved to suspend rules for the purpose of considering No. 287 A.

Senator Mears moved to amend the amendment by including No. 441 A.

Senator Clark moved to amend by including No. 378 A.

The amendment to the amendment was agreed to.

The motion as amended prevailed.

No. 378 A.

Read first and second times.

Senator Cook moved to amend section 2, by striking out all after the words "shall be," in fifth line of said bill and insert "three dollars per day."

Senator Cook withdrew his motion.

Senator Bennett renewed the motion.

The question being upon the adoption of the amendment

The ayes and noes were called for, and ordered, and were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Giles, Greulich, Kingston, Martin, Maxon, Pier, Schulteis, Sutherland, Virgin, Walsh—16.

Noes—Messrs. Cook, Davis, Joiner, McClellan, Mears, Proudfit, Simpson, Smith, Tucker, Warren, Worthington—11.

The amendment was agreed to.

Senator Smith offered the following amendment.

Amend section 1 by adding after the first proviso, "provided further that the clerk of the joint judiciary committee shall receive no pay as such clerk while acting as clerk for the revisors, and drawing pay therefor."

Which was agreed to.

The question being upon ordering the bill to a third reading, the ayes and noes were demanded.

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—24.

Those voting in the negative were.

Noes—Messrs. Cook, Tucker—2.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Walsh and Worthington—24.

Noes—Messrs. Cook and Tucker—2.

Title agreed to.

No. 378, A.,

Read 1st and 2d times.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, McClellan, Martin, Maxon, Mears, Proudfit, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Walsh and Worthington—24.

Title agreed to.

No. 441, A.,

Read 1st and 2d times.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Davis, Greulich, McClellan, Martin, Mears, Proudfit, Schulteis, Smith, Sutherland, Tucker and Worthington—15.

Those voting in the negative were:

Messrs. Chase, Cook, Giles, Joiner, Maxon, Virgin and Warren—7.

Title agreed to.

ASSEMBLY BILLS READ FIRST AND SECOND TIMES AND REFERRED.

No. 319, 291, 318, 317, 320, 321, 322, 323, 191, 234 and 187.

To general file.

Nos. 442 and 36,

To Committee on Judiciary.

No. 333,

To Committee on Claims.

No. 269, 213, 202, 93, 222, and 289.

To Committee on Incorporations.

Nos. 216 and 162,

To Committee on Railroads.

Nos. 204, and 220,

To committee on Education School and University Lands.

Nos. 171, 172, 259 and 230.

To committee on Roads, Bridges and Ferries,

Nos. 59, 137, 129, 98, 221, 290 and 265,

Were laid on the table.

No. 439 A.

Read first and second times.

On motion of Senator Davis,

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Joiner, McClellan, Mears, Schulteis, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—18.

Noes—Messrs. Chappell, Martin, Maxon, Pier—4.

Title agreed to.

No. 218 A.

Read first and second times.

On motion of Senator Tucker,

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 236 A.

Read first and second times.

On motion of Senator Virgin.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Senator Pier asked leave of absence for one week.

Which was granted.

Senator Smith submitted the following

REPORT:

The joint committee on enrolled bills report that on this 10th day of March, they presented to the Governor for his approval the following bill and memorials, to wit:

No. 17 A., an act to authorize the Columbia Stadt and Ban Verein of Milwaukee.

No. 18 A., an act to incorporate the Farmer's Mutual Insurance company of Calumet county.

No. 59 S., an act to incorporate the Madison Gymnastic association called in German, Der Madison Turnverein.

No. 64 S., an act to change the name of Martha Rozilla Vantyne to Martha Cozilla Bierce and to establish her heirship.

No. 68 S., an act to amend chapter 416 of the session laws of 1852, entitled an act to incorporate the Dodge county Mutual Insurance company, approved April 17th, 1852.

No. 83 S., an act entitled an act to amend chapter 183 of the private and local laws of 1854, entitled an act to authorize the Board of Supervisors of the county of Milwaukee to issue bonds for the purpose therein named, approved March 25th, 1854.

No. 120 S.

An act to incorporate the Manitowoc Seminary.

No. 11 S.

Memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac.

No. 14 S.

Memorial to the Senate and House of Representatives of the United States, in Congress assembled.

No. 138 S.

An act authorizing the borrowing of money on the faith and credit of the State, for the purpose of defraying certain extraordinary expenditures.

No. 79 S.

An act to legalize the official acts of Dominick Hunt, a justice of the peace in the county of Brown.

No. 91 S.

An act to amend an act entitled "An act to incorporate the Green Bay, Depere & Madison Railroad Company, approved March 17th, 1853.

No. 227 S.

An act to extend the time for the collection of taxes in the town of Eagle, Waukesha county.

No. 161.

An act to authorize the collection of taxes in the town of Concord, in the county of Jefferson.

No. 42, A.,

An act to amend an act entitled "an act to incorporate the

Chippewa Valley Rail Road Company. "Approved March 5th, 1857.

No. 121, A.,

An act to authorize School District No. 5, in the town of Platteville, Grant county, to borrow money.

No. 174, A.,

An act to incorporate the Lake Michigan Transit Company.

No. 340, A.,

An act to incorporate the Milwaukee Warehousing Company.

W. E. SMITH, Of Senate Com.

GEO. C. SMITH, Of Assembly Com.

On motion of Senator Chase,

Senate adjourned.

SENATE CHAMBER, }
March 11th, 9 o'clock, A. M. }

Senate assembled.

Lieutenant Governor in the chair.

Rev. Mr. Eggleston officiated as chaplain.

Roll of Senators called.

The absentees were,

Senators Chappell, Cook, Kimball, Simpson, Walsh, and Wheeler.

Journal of yesterday read and approved.

LETTERS, ACCOUNTS ETC., PRESENTED.

COMMUNICATION

From the State Librarian.

To the Hon. E. D. Campbell, President of the Senate:

I have been served with a copy of the following resolutions adopted by the Senate on the 9th inst.:

“Resolved, That the State Librarian is hereby required, within two days after service on him of a copy of this resolution, to report to the Senate, whether the State Library has been replenished by the purchase of books by Coles Bashford, late Governor of the State, and by having the same placed in the State Library, as contemplated by an act entitled “An act for replenishing the State Library,” approved March 9th, 1857. And in case any books have been purchased pursuant to said act, that said Librarian shall also then make and report a catalogue of the same, with the cost of such books, and name of the vendor from whom the same were obtained.

Further Resolved, That the clerk of the Senate serve a copy of the foregoing resolution on the Librarian, immediately after its passage.”

In reply to the inquiries contained in the above, I have the honor to state, that some time after the approval of the act referred to, I was authorized by the Governor to draw the sum appropriated and directed to employ it in purchasing such books as I should deem most proper and useful, in view of the extent and design of the State Library.

The selections, for the Law Department, were made after a consultation with the members of the Supreme Court. Believing that I could not only save the State an amount greater than my traveling expenses by purchasing the books in person, but could make a much more useful selection for the miscellaneous department, in that manner, I visited New York for that purpose in June last. The result, as exhibited by the prices paid, will, I think, show that the opinion was a correct one.

I subjoin a list of all the books purchased by me, together with their cost, and such other expenditures as have been incurred during the past year for the library.

It will be observed that a large proportion of the additions to the Miscellaneous Department are Cyclopædias, Lexicons, Dictionaries of art and sciences, the Memoirs and collected writings of leading American Statesmen, living and dead, and

other works of the character most frequently called for, by members of the bar, and of the Legislature, for purposes of reference.

LAW.

On the 17th of January, A. D. 1857, at the request of the Judges of the Supreme Court, I ordered the following books from Messrs. Gould, Banks & Co., of New York, which were duly forwarded:

No. of VOLUMES.—5....	Howard's United States Reports, Vols. 6, 15, 16, 17, 18.....	\$ 20 63
" 1....	Shelden's Reports, Vol. 4.....	2 63
" 1....	Kernan's ".....	2 00
" 1....	Burrill's Practice, Vol. 3.....	8 00
		<u>\$28 26</u>

On the following bill of books which I purchased of the same house, in June last, the liberal discount of 33 1-3 per cent. from their catalogue prices, was allowed by Messrs. Gould, Banks & Co.

No. of VOLUMES.—2....	Story's Equity Jurisprudence, (New Edition,).....	\$11 00
" 1....	do. " Pleadings.....	6 00
" 1....	do. on Agency.....	5 00
" 1....	do. " Bailments.....	5 00
" 1....	do. " Conflict of Laws.....	6 50
" 1....	do. " Partnerships.....	5 50
" 2....	do. " Contracts.....	11 00
" 1....	do. " Sales.....	4 50
" 2....	Parsons on Contracts.....	11 00
" 1....	Blackwell on Tax Titles.....	5 50
" 2....	William's Executors.....	11 00
" 1....	Angell, on Water Courses.....	5 00
" 1....	Angell & Ames on Corporations.....	5 50
" 1....	Chitty's Blackstone, (Latest Edition,).....	4 00
" 1....	Allen on Sheriffs.....	8 00
" 1....	Archbold's Landlord and Tenant.....	2 25
" 1....	Smith's Constitution.....	5 00
" 1....	Vattel's Law of Nations.....	4 00
" 2....	Tomlins Law Dictionary.....	10 00
" 1....	Clerk's Assistants.....	2 50
" 2....	Index, English Common Law Reports.....	9 00
" 3....	Graham & W. N. T.	16 00
" 1....	Long, on Sales.....	3 50
" 1....	Law of Fixtures.....	3 00
" 1....	Willard's Equity and Jurisprudence.....	5 50
" 6....	Howard's P. C. Reports, Vols. 8 to 13.....	21 00
" 3....	Cade's Reports, 4 Vols.....	10 00
" 1....	Dayten's Surrogate.....	5 50
" 1....	Howard's United States Reports, Vol. 19.....	5 50

No. OF VOLUMES.—1	Digest of Exchequer Rep.	4 50
"	8... Exchequer Reports, Vols. 9, 10, 11	7 50
"	1... Wallace Jrs'. Reports Vol. 2	5 50
"	1... Crabb's Reports	3 50
"	1... William's Personal Property	4 00
"	1... Flander's Shipping	4 50
"	3... Connecticut Reports, Vols. 7, 8, 11	15 00
"	1... Indiana Reports, Vol. 2	5 50
"	2... P. Monroe's Reports, Vols. 1 and 3	10 00
"	1... Maryland do. Vol. 1	5 00
"	1... Michigan do. Vol. 1	5 00
"	9... Missouri do. Vols. 1, 2, 3, 4, 7, 15, 19, 20, 21	40 00
"	1... Comstock's do. Vol. 1	2 50
"	1... Paige's (Chancery,) Reports Vol. 7	5 00
"	1... Ohio Reports, Vol. 8	5 00
"	1... Humphrey's Term Reports, Vol. 8	5 50
"	1... Yerger's Reports, Vol. 8	6 00
"	1... McLean's United States C. C. Reports, Vol. 8	5 50
"	13... English Common Law Reports, Vol. 74 to 86, inclusive	38 50
"	6... English Chancery Reports, Vol. 35 to 41	24 00
"	1... N. Y. Code and amendments	1 00
"	3... American Railway Cases	9 00
"	1... Gow on Partnership	4 00
"	2... American Leading Cases	11 00
"	2... English Chancery Reports, Vols. 9 and 42	8 00
"	1... Curtiss' Commentaries	5 50
		<u>\$439 25</u>
Less, 33 per cent. discount		146 41
		<u>\$292 84</u>
Gould, Banks & Co., Paid Express		1 50
"	4... Kent's Commentaries, (New Edition,) nett	12 00
		<u>\$306 34</u>

The following books were purchased of D. S. Durrie, of Madison, May 4th, 1857:

No. OF VOLUMES.—2	Whittaker's Practice	\$7 50
"	2... Monell's do.	8 00
"	1... Voorheis Code	6 00
"	1... Cowen's Treatise, (New Edition,)	5 00
"	1... State Constitution	1 75
"	1... Edwards on Bills	5 00
		<u>\$38 25</u>

All of the above works were purchased with the approbation of the Governor, and the Justices of the Supreme Court, as the law directs. They perfect most of the broken sets of reports, and bring down as far as possible, both the English and American Reports to the present time. They also supply most of the deficiencies in the elementary department of

the law library, and render it one of the most extensive and valuable law libraries West of the Atlantic States.

MISCELLANEOUS.

The following bill of books I purchased of D. Appleton & Co., New York, in June last, for the miscellaneous department of the State Library :

No. of	VOLUMES.—1	Chaucer,.....	\$2 75
"	8	Bacon's complete works,	5 68
"	1	Biography,.....	3 37
"	2	Fisher Ames' Life and Writings,.....	3 38
"	1	Tuckerman's Essays,.....	1 31
"	1	Cooper's Naval History,.....	1 38
"	2	Prescott's Phillip II,.....	3 38
"		Prescott's Mexico,.....	5 06
"	1	Benton's Thirty Years, Vol. 2,.....	1 37
"	1	Indigenous Races,.....	3 75
"	1	Brand's Encyclopedia,.....	3 00
"	3	Ticknor's Spanish Literature,.....	4 50
"	3	Motley's Dutch Republic,.....	4 50
"	3	Cousin's Works,.....	3 38
"	6	Allison's Europe,.....	6 50
"	1	Maury's Physical Geography of the Sea,.....	1 18
"	1	Honduras,.....	1 50
"		Theirs' French Revolution,.....	2 75
"	3	Theirs' Napoleon,.....	3 38
"	1	Adler's German Dictionary,.....	3 75
"	1	Lippencott's Gazetteer,.....	4 30
"	1	Worcester's Dictionary,.....	2 63
"	2	Ure's Dictionary,.....	3 75
"	2	Lossing's Field Book,.....	6 75
"	1	De Bow's Resources of the U. S.,.....	3 75
"	1	Hayden's Dictionary of Dates,.....	3 50
"	1	Montaigne,.....	3 00
"	14	Walpole's Letters, (English Ed.,).....	36 00
"	6	Niebuhr's Lectures,.....	10 00
"	5	Maubler's Treasuries,.....	8 00
"	1	Maunder's Geography,.....	1 37
"	1	Prescott's Miscellanies,.....	1 69
"	2	Mahon's England,.....	3 00
"	2	Cotton Mather's Magnalls,.....	4 50
"	1	Cushing's Law and Practice of Legislative Assemblies,.....	4 00
"	1	Story's Miscellanies,.....	2 60
"	2	Story's Life and Letters,.....	4 40
"		Arctic Explorations,.....	4 00
"		New Granada,.....	1 50
"	6	R. W. Emerson's Works,.....	4 50
"	2	Boker's Poems and Plays,.....	50
"	1	Baldwin's Party Leaders,.....	75
"	1	Gurowski's America and Europe,.....	94

No. of VOLUMES.—1	Inquire Within,	75
"	1...Roget's Thesaurus,	1 13
"	8...Menzel's Germany,	2 40
"	6...Iconographic Encyclopedia,	32 00
"	8...Levi Woodbury's Works,	4 80
"	3...Wm. H. Seward's Works,	5 62
"	13...Grote's Greece,	6 75
"	3...Lamartine's Celebrated Characters,	2 00
"	1...Poole's Index,	4 50
"	1...Flanders' Chief Justices,	1 69
"	1...Fquire's "Central America,"	1 50
"	1...Bancroft's Miscellanies,	1 50
"	6...Hildreth's U. S.,	9 00
"	1...Statesmen of the Commonwealth,	1 31
"	1...Curtis on U. S. Constitution,	1 50
"	2...Colton's Atlas,	23 30
"	2...Kennedy's Life of Wirt,	1 50
"	1...Types of Mankind,	3 75
"	1...Shea's Mississippi,	1 50
"	1...Nichols' Encyclopedia of Physical Science,	4 50
"	2...Elliott's "New England,"	3 20
"	1...Griffin's Chemical Researches,	75
"	3...Lamartine's Girondists,	1 69
"	2...Thos. Paine's Political Writings,	3 00
"	2...McGregor's Statistics of America,	7 00
"	1...White's Natural History of Selborne,	1 05
"	1...Ruskin's Seven Lamps of Architecture,	94
"	1...Ruskin's Lectures,	94
"	4...Ruskin's Modern Painters,	4 31
"	1...Griswold's Poets of America,	2 25
"	4...Encyclopaedia Geography,	8 00
"	1...Duycinks Cyclopaedia of American Literature,	6 00
"	1...Smith's Greek and Roman Antiquities,	3 00
"	1...Anthon's Classical Dictionary,	3 00
"	1...Andrews' Latin Dictionary,	3 75
"	6...Plato, (translated,)	6 30
"	2...Carlyle's Cromwell,	1 50
"	2...Aaron Burr's Correspondence,	3 39
"	2...Aaron Burr's Memoirs,	2 25
"	1...Keightley's Fairy Mythology,	1 05
"	1...Baskerville's Poetry of Germany,	1 20
"	2...Johnson's Works,	2 25
"	6...Lardner's Science and Art,	5 00
"	1...Increase Mathers' Remarkable Providences,	1 25
"	5...Noctes Ambrosianae,	3 75
"	3...Michand's Crusades,	2 62
"	1...Arnold's Greek Lexicon,	5 4
"	2...Neal's History of the Puritans,	2 25
"	1...Crabbe's Synonyms,	1 50
"	1...Dictionary of terms of Art,	3 50
"	1...Corpus Poetarum Latinorum,	4 50
3 boxes and cartage,		3 50
Insurance,		7 73

The following works, being for the most part rare, or edition not found in the collections of ordinary dealers, I purchased as I could find them, some from old book stalls in New York, and in one instance—the Madison papers—from a private library.

NO. OF VOLUMES.—1....	Machiavelli's Complete Works, (folio),.....	\$3 00
" 1....	Algernon Sidney's Works, "	2 00
" 2....	Dryden's Plays,.....	5 00
" 1....	Hobbe's (of Malmesbury), Works, (folio, best edition),.....	10 00
" 1....	Harrington's Works, "	4 00
" 1....	Puffendorf, (translated),.....	5 00
" 4....	Cooper's Homer, (Iliad and Odyssey),.....	8 00
" 1....	Southey's Complete works,.....	1 75
" 1....	Robert Bantoul's Life and Writings,.....	1 75
" 2....	Tucker's History of the United States,.....	2 50
" 5....	McGregor's Commercial Statistics,.....	8 00
" 2....	Rooseau,.....	1 88
" 1....	History of Letter Writing,	5 00
" 3....	Jeremy Taylor's Works, (complete),.....	18 00
" 1....	Chambers' Russian War, (Illustrated),.....	2 40
" 3....	Brougham's Political Philosophy,.....	4 50
" 5....	Aristotle, (translated),.....	4 50
" 1....	Elkanah's Watson's Life and Times,.....	1 50
" 8....	Madison Papers,.....	9 00
" 6....	Henry Clay's Life and Works,.....	15 00
" 1....	Holy Bible, (quarto),.....	6 50
" 1....	Young's American Statesman,.....	8 50
" N. A. Review, 1856-57,.....		10 00
" 4....	Lamartine's Restoration of the Monarchy in France,.....	2 80
" 2....	Agassiz' Natural History, I. and II.,... ..	24 00
" 1....	Parton's Life of Burr,.....	1 75
" Express charges on " Agassiz,".....		25
		\$ 111 58

The other expenditures have been as follows :

January 29, 1857.	Paid Express charges on books,.....	2 25
"	For Exchange on New York,.....	10 50
"	Expenses in going to New York,	150 00
July 6, 1857.	Express charges on books from Banks, G. & Co.,.....	14 25
" 10 "	Freight on three boxes of books from D. Appleton & Co.,.....	16 03
October 2,	Express charges on books from the Smithsonian Institute,.....	75
		\$198 78

RECAPITULATION:

Law Works,.....	\$ 867 85
Miscellaneous Works,.....	554 09
Other Expenditures,.....	198 78

\$1116 72

All the above items have been paid, and the vouchers are in my possession.

The balance of the appropriation yet remaining in my hands, I have reserved for the purpose of purchasing the new edition of the *Encyclopædia Britannica*, now in course of publication by Messrs. Phillips, Sampson & Co., of Boston.

The following is a list of the works donated to the Library, during the year 1857:

LAW REPORTS.

	No. of Volumes.
North Carolina Reports, Vols. 2 and 3,	2
Louisiana "	1
California " Vol. 5, Duplicates,	2
Iowa " Vols. 2 and 3,	2
Florida " Vol. 7,	1
Pennsylvania " Vols. 26 and 27,	2
Texas " Vol. 14, 15 and 16,	3
Missouri " Vol. 24,	1
Michigan " Vol. 8,	1
Vermont " Vols. 27 and 28,	2
Richardson's (S.C.) " Vol. 9,	1
New Hampshire " Vol. 32,	1

LAWS AND DOCUMENTS.

New York—Assembly Journal, 1857,	1
" Senate " "	1
" Assembly Documents,	7
" Senate "	3
" Annual Report of Library,	1
" Session Laws of 1857, Duplicates,	6
California—Journal of Assembly,	1
" Appendix "	1
" Journal of Senate,	1
" Appendix "	1
" Wood's Digest of Laws,	1
Arkansas—Laws, Duplicates,	2
" Journal of Legislature,	1
Massachusetts—Laws,	1
Washington Territory—Laws,	1
Rhode Island—Registration Report,	1
Maine—Laws, Duplicates,	2
Florida—Acts of Legislature, Duplicates,	2
Connecticut—Reports of Legislature,	1
Texas—Digest of Laws,	1
Vermont—Journal of the Senate,	1
" " " House,	1
" Laws,	1
New Hampshire—Laws, (three copies),	3

Washington Territory—Journal of the House,.....	1
“ “ “ “ Senate,.....	1
“ “ “ “ Laws,	1

CONGRESSIONAL DOCUMENTS.

Executive Documents, including Japan Expedition, Pacific R. R. Explorations, &c.,.....	17
Executive Documents,.....	18
Army Meteorological Register,.....	2
U. S. Astronomical Expedition,.....	2
Patent Office Report, (Agricultural),.....	1
“ “ “ (Mechanical),.....	1
Message and Documents,.....	2
Annals of Congress,.....	2
Reports of Court of Claims,.....	2

MISCELLANEOUS.

Smithsonian Contributions, Vols. 8 and 9,.....	2
“ “ Reports, 1855-'56,.....	2
S. Genin's Works, (donated by Hon. Chas. Durkee),.....	1
Catalogue of N. Y. State Library,.....	3
Colonial History of New York, Vols. 1 and 7,.....	2

The above forms a complete list, I believe, of all the books added to the State Library, during the year 1857, with the exception of the Wisconsin Reports, Session Laws, and other volumes published by the State,

Very Respectfully, Yours,

HORACE RUBLEE,

State Librarian.

By Senator Bean,

Account of William T. Butler against the State.

Referred to committee on claims.

By Senator Joiner,

Memorials of the Agricultural Societies of ten counties for an agricultural college.

On motion of Senator Joiner,

Laid on table.

RESOLUTIONS TAKEN UP.

No. 87 S.,

Resolved, That the State will not be responsible to pay for any newspapers hereafter sent to any of the members and officers of the Senate, and the Secretary of State is hereby required to not audit the accounts for any newspapers sent to

any of the members or officers of the Senate from and after the adoption of this resolution.

Resolved, That the Post Master of this city be directed to forward a copy of the above resolution to all the publishers who furnish copies of newspapers to the members and officers of the Senate.

Senator Giles moved to amend by striking out "city," and insert "Senate."

The motion prevailed.

Senator Bennett offered the following amendment.

Add as follows: "Provided that the amount audited for each member shall not exceed ten dollars."

Agreed to.

The resolution as amended was then adopted.

The ayes and noes being called for those voting in the affirmative were:

Ayes—Messrs. Bean, Bennett, Chase, Giles, Greulich, Hanchett, McClellan, Martin, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, and Worthington—15.

Those voting in the negative were:

Noes—Messrs. Boyd, Joiner, Kimball, Kingston, Maxon, Mears, Schulteis, Sutherland, and Warren.—9.

No. 88 S.,

Resolved, That the judiciary committee be requested to report at as early a day as convenient, whether in their opinion a banking association can under the existing bank law, reduce their capital stock.

Adopted.

Joint Resolution, No. 39 S.,

Resolved, by the Senate, the Assembly concurring, That no new bills will be received or acted upon by either House of the Legislature from and after the 20th day of the present month.

Senator Giles moved to amend by inserting after the word "Bills," the words "of a private or local nature."

Senator Hanchett moved to lay on the table.

The ayes and noes being demanded and had were as follows

Ayes—Messrs. Chase, Davis, Hanchett, Kimball, McClellan, Martin, Mears, Smith, Virgin and Worthington—10.

Noes—Messrs. Bean, Boyd, Bennett, Cook, Giles, Greulich, Joiner, Kingston, Maxon, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, and Warren—16.

Senate refused to lay on the table.

The amendment offered by Senator Giles was agreed to.

Resolution adopted as amended.

Joint Resolution No. 40 S.

Whereas, The people of the Territory of Minnesota were authorized by an act of Congress to form a Constitution and State Government, preparatory to admission into the Union as one of the United States of America: and

Whereas, In conformity with the provisions of said act a Constitution has been formed and ratified by the people of said Territory, and Senators and Representatives have been elected to represent said State in the Congress of the United States, who have been hitherto unreasonably denied admission to, and participation in, the deliberations of Congress, therefore,

Resolved by the Senate and Assembly of the State of Wisconsin, That our Senators in Congress be instructed, and our Representatives requested, to demand the immediate admission of Minnesota into the Union, as one of the United States of America.

Resolved, That a copy of the foregoing Preamble and Resolutions be transmitted to each of the Senators and Representatives, from Wisconsin, in Congress.

Senator Cook moved to amend by striking out "unreasonably."

The ayes and noes being asked and,
Those voting in the affirmative were,

Ayes—Messrs. Boyd, Chappell, Cook, Greulich, Maxon, Pier, Proudfit, Schulteis, Simpson—9.

Those voting in the negative were,

Noes—Messrs. Bennett, Chase, Davis, Giles, Hanchett,

Joiner, Kimball, Kingston, McClellan, Martin, Mears, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—17.

Senate refused to strike out.

Upon the adoption of the resolution, the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bennett, Boyd, Chapbell, Chase, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker, Virgin, Warren, Worthington—25.

Senator Cook voting in the negative.

Adopted.

COMMITTEE REPORTS.

By Senator Sutherland,

The committee on education, school and university lands, to which was referred

No. 342, A.,

A bill for an act to authorize school districts to vote taxes at special meetings.

Report the same without amendment, and recommend its passage.

They report,

No. 301, A.,

A bill for an act concerning school monies in certain cases.

And recommend that it be indefinitely postponed.

J. SUTHERLAND,

Chairman.

By Senator Hanchett,

The committee on State Prison, to which was referred,

No. 259, S., a bill for an act to require the State Prison Commissioner to allow the account of Whitney & Danforth, amounting to \$51,84.

Report the same back without amendment, and recommend its passage.

HANCHETT,

Chairman.

By Senator Kingston,

The committee on public lands, to whom was referred,
Senate Resolution, No. 18,

Instructing them "to report a bill restricting the sale of the swamp lands to actual settlers in limited quantities," beg leave to report a bill in accordance with said instructions.

J. T. KINGSTON, Chairman.

By Senator Pier,

The committee on claims, to whom were referred sundry bills and accounts, have directed me to make the following report:

No. 245, S., to appropriate to Lewis R. Graves the sum of two hundred and seventy-three dollars and ten cents, they have directed me to report back, with an amendment, and to recommend its passage, when amended.

No. 221, S., to provide for the payment of the expenses of the joint committee of investigation, is reported back by substitute, and the passage of the substitute recommended.

Also,

The account of Sage & Sons, for engraving and printing certificates for State Department, and report a bill appropriating the amount claimed.

Also,

The accounts of A. S. Wood, for witness fees, and report by bill, and recommend their passage.

E. PIER, Chairman.

By Senator Kimball,

The committee on incorporations report:

No. 234, S., a bill for an act to consolidate and amend an act to incorporate the city of Portage, and several acts amendatory thereof.

Also,

No. 253, S., a bill for an act to amend an act entitled an act to incorporate the Merchant's Mutual Insurance Company, and the acts amendatory thereof.

And recommend their passage.

KIMBALL, Chairman.

By Senator Warren.

Committee on engrossed bills report

No. 109 S., a bill to appropriate a certain sum of money therein named, to W. H. Gleason.

No. 166 S., a bill for an act to incorporate the Milwaukee Emigrants Savings Institution.

No. 175 S., a bill for an act legalizing the official acts of B. E. Hale, Superintendent of Schools for the city of Beloit. Correctly engrossed.

J. H. WARREN,

Chairman.

By Senator Kimball.

The committee on incorporations report,

No. 190 S., a bill for an act to incorporate the Bear Lake Canal and Boom Company.

Also,

No. 166 A., a bill for an act to incorporate the Hudson City and St. Croix Falls Turnpike Road Company.

Also,

No. 235 S., a bill for an act to incorporate the La Crosse Gymnastic Association.

Also,

No. 225 S., a bill for an act to incorporate the Commercial Insurance Company of Racine.

Also,

No. 258 S., a bill for an act to incorporate the Wisconsin River Log Driving Company.

Also,

No. 103 A., a bill for an act to incorporate the Firemen's Insurance Company, of the city of Milwaukee.

Also,

No. 45 A., a bill for an act to incorporate the North Western Woolen Manufactory.

Also,

No. 218 S., a bill for an act to incorporate the Whitcomb Lumber Company.

Also,

No. 200 S.,

A bill for an act to authorize Andrew Scott, and Thos. Buckley to build and maintain a dam across the Lemonweir River.

Also,

No. 181 S., a bill to organize the Chippewa and Manidoish Mining Company.

Also,

No. 222 A., a bill for an act to incorporate the Highland Mining Company.

Also,

No. 213 A., a bill for an act to incorporate the Black River Falls Academy, and recommend that they be referred to the judiciary committee, with instructions to report a general law under which the object of the said corporations can be attained.

KIMBALL,

Chairman.

By Senator Tucker,

The joint committee on enrolled bills report that they have examined and compared the following bills :

No. 49 A., "An act to enable the West Wisconsin Annual Conference of the Methodist Episcopal Church to organize an aid society therefor with corporate privileges, and also to grant unto the Minnesota conference certain privileges.

No. 83 A., "A memorial to Congress for the establishment of a tri-weekly mail route from Broadhead in Green county, via. Albany, Attica, Exeter and Dayton, to the city of Madison, in Dane county.

No. 115 A., An act to appropriate to Silas E. Pearson the sum of money therein named, to-wit: two hundred and fifty-five dollars.

No. 135 A., Memorial to Congress for a mail route from Black River Falls, in Jackson county, via. Trempeleau county to Fountain city in Buffalo county.

No. 261 A., an act to appropriate to John H. Lewis, the sum of three hundred and six dollars and fifty-six cents.

No. 263 A., An act to appropriate to David Burdell the sum of one hundred and ninety-five dollars and fifty-eight cents.

No. 293 A., An act to appropriate to Johan Johanison the sum of twenty-five dollars and fifty cents.

And find the same correctly enrolled.

All which is respectfull submitted,

W. H. TUCKER,

Of Senate.

GEO. C. SMITH,

Of Assembly.

By Senator Virgin.

The select committee to whom was referred Senate Bill No. 155, An act to provide for the keeping of insane persons have had the same under consideration, and have instructed me to report back the same with amendments and recommend its passage when so amended.

W. H. VIRGIN,

Chairman.

Report taken up and concurred in.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Kingston from committee on public lands.

No. 267 S., an act to provide for the sale and disposal of the swamp and overflowed lands.

To general file.

By Senator Pier from committee on claims.

No. 268 S.,

A bill for an act to appropriate to A. S. Wood the sum of \$13 50.

To general file.

Also,

No. 269 S., a bill for an act to appropriate to J. Sage & Sons the sum of \$335 50.

To general file.

By Senator Cook.

No. 270 S., a bill for an act entitled an act for the protection of Banking associations doing business under the laws of this State.

To committee on banks and banking.

By Senator Davis,

No. 271 S., a bill for an act to repeal chapter 230 of the private and local laws of 1857, entitled "an act to amend an act to incorporate the St. Croix and Lake Superior Rail Road Company, approved February 24, 1854.

To committee on Rail Roads.

Also,

No. 272 S., a bill for an act to amend chapter 6 of the Revised Statutes, entitled "of special elections, the manner of conducting the same and of the canvass."

To committee on Rail Roads.

Also,

No. 273 S., a bill for an act to repeal chapter 290 of the private and local laws of 1857 entitled, "an act to amend an act to incorporate the St. Croix and Lake Superior Rail Road Company." approved February 24th 1854.

To committee on State affairs.

By Senator Bean,

No. 274 S., a bill for an act to prevent law partners from practicing in certain cases.

To committee on judiciary.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 23, A.

A bill for an act to appropriate to Thomas J. Otis the sum of two hundred and twenty-three dollars.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed No. 356, A.

A bill for an act to appropriate to Matthias Green Baum the sum of \$235 00,

And.

No. 383, A.

A bill for an act to repeal an act entitled "an act to incorporate the village of Geneva, being chapter three hundred and one of the private and local laws of 1856.

And has concurred in the Senate amendments to the body title of

No. 73, A.

A bill for an act to incorporate the Sisters of Charity of St. Joseph's, of the city of Milwaukee.

Message taken up.

No. 23 A., and No. 356 A.,

Referred to general file.

No. 383 A.,

Referred to committee on Incorporation.

BILLS ON THIRD READING.

No. 175 S., a bill legalizing the official acts of B. E. Hale, Superintendent of schools for the city of Beloit.

Read a third time,

Passed.

Title agreed to.

No. 166 S., a bill to incorporate the Milwaukee Emigrant Savings Bank.

Senator Giles moved to refer to committee on Banks and Banking with instructions to report a general law upon the subject.

So referred.

No. 109 S., a bill for an act to appropriate a certain sum of money therein named.

Read third time.

Passed.

Those voting in the affirmative were:

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Giles, Greulich, McClellan, Martin, Maxon,

Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Warren, and Worthington.—21.

Those voting in the negative were:

Noes.—Messrs. Joiner, Kimball, and Virgin.—3.

REPORTED BY COMMITTEE OF THE WHOLE.

No. 78, A.

A bill to incorporate the Milton Institute.

Amendment of committee concurred in.

Referred to Senator Bennett.

On motion of Senator Chase,

The message of his Excellency the Governor returning to the Senate No. 76, S., a bill to incorporate the Oconto Lumbering Company, with his objections,

Was taken up.

The question being on the passage of the bill notwithstanding the objections of the Governor,

The ayes and noes being required

There were none voting in the affirmative.

Those voting in the negative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Pier, Proudfit, Schulteis, Simpson Smith, Sutherland, Virgin, Warren, Worthington—25.

The bill was declared lost.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On general file.

Senator Smith in the chair.

After some time spent therein,

Committee rose and reported

No. 3 A.

With recommendation that it be laid on the table.

That No. 99 S., be indefinitely postponed.

That No. 102 S., be referred to select committee of three.

That NO. 108 S., be made the special order for this evening at 7 1-2 o'clock, and every succeeding evening at that hour, until disposed of.

Report taken up.

No. 99 S., a bill to limit the rate of interest and to repeal chap. 55 of the general laws of 1856.

Report of Committee concurred in.

Indefinitely postponed.

No. 102, S., a bill for an act to protect the people against the money power, by limiting the rate or interest.

Report of Committee concurred in.

Senators Cook, Hanchett and Bean were appointed to act as such committee.

No. 108, S., a bill to establish an agricultural college.

Report of committee concurred in.

Made special order for 7 1-2 o'clock, P. M.

On motion of Senator Mears,

Rules suspended, and,

No. 167, A., a bill for an act to amend an act entitled "an act to incorporate the city of Hudson." Approved March 6, 1857.

Taken from general file.

Ordered to third reading.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Maxon, Meals, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Tucker and Warren—23.

Noes—Messrs. Joiner, and Virgin—2.

Title agreed to.

Senator Virgin moved to suspend the rules for the purpose of taking up

No. 155 S., A bill for an act to provide for the keeping of insane persons, and to authorize the Secretary of State to audit accounts therefor.

The ayes and noes were demanded and had, and were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Kimball, Mears, Proudfit, Simpson, Smith, Sutherland, Virgin, Worthington—16.

Noes—Messrs. Joiner, Kingston, Martin, Maxon, Schulteis Tucker, Warren—7.

The motion prevailed.

Amendments of committee concurred in.

Ordered engrossed for a third reading.

Senator Warren, on leave, submitted the following

REPORT:

The joint committee on enrolled bills report, that they have examined and compared the following bills, and find the same correctly enrolled.

No. 30 A., an act to amend an act entitled an act to change the name of Elizabeth Brooks and Virginia Brooks, approved March 13, 1855.

No. 39 A., an act to lay out a state road.

No. 142 A., a memorial to Congress for the establishment of a mail route.

No. 154 A., a memorial to Congress for a mail route from Darlington, Lr Fayette county, to Platteville, in Grant county.

Also,

No. 164 A., a memorial to Congress for a mail route from Shullsburg to Platteville.

J. H. WARREN, Of Senate Com.

GEO. C. SMITH, Of Assem. Com.

The Clerk proceeded to read the report.

Senator Tucker moved to dispense with further reading of the report.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Bennett, Boyd, Chase.—3.

Noes—Messrs. Bean, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Simpson, Smith, Sutherland, Tucker, Virgin, Worthington—18.

Not agreed to.

Roll of Senators called.

Senator Chase moved to adjourn until half past seven o'clock; P. M.

The chair decided the motion not in order.

Senator Chase appealed from the decision of the chair.

Senator Simpson moved to lay the appeal on the table.

Senator Chase rose to a point of order, to-wit: that an appeal cannot be laid on the table.

The chair decided the point not well taken.

Sen Chase appealed from this decision of the President.

Senator Virgin rose to a point of order, to-wit: that two appeals cannot be pending at once.

The question being on the motion of Senator Simpson to lay the appeal on the table.

The ayes and noes were called for and ordered.

Those voting in the affirmative were,

Messrs. Bennett, Boyd, Cook, Davis, Greulich, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, Virgin—12.

Those voting in the negative were,

Messrs. Bean, Chase, Giles, Joiner, Kimball, Kingston, McClellan, Pier, Smith, Sutherland, Tucker, Worthington—12.

There being a tie vote, no decision was had.

Senator Cook directed his vote to be changed.

Senator Bean rose to a point of order, to wit: That a vote cannot be changed after being counted and declared.

The chair decided the point well taken.

The report was then read.

On motion of Senator Tucker,

Senate adjourned until half-past 7 o'clock, this evening.

SENATE CHAMBER,
March 11, 7 1-2 o'clock, P. M. }

Senate assembled.

Lieut. Governor in the Chair.

Roll of Senators called.

Messrs. Clark, Hanchett, McClellan, Pier, Sutherland, Warren and Wheeler, absent.

BILLS INTRODUCED,

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bennett.

No. 275 S.,

A bill to amend chapter 99 of the General Laws of 1857, entitled "an act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing," approved April 19th, 1852.

To committee on printing.

ACCOUNTS PRESENTED AND REFERRED.

By Senator Giles,

Account of H. H. West against the State.

To committee on Claims.

By Senator Proudfit.

Account of Levi P. Drake against the State.

To committee on claims.

SPECIAL ORDER.

On motion, Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering

No. 108 S.,

A bill to establish an Agricultural College.

Special order for 7 1-2 o'clock.

Senator Smith in the Chair.

After some time spent therein,

Committee rose and reported progress, and asked leave to sit again.

Which was granted.

Senator Chase moved to go into committee of the whole for the purpose of considering

No. 108, S., the special order of the evening.

Senator Giles moved to amend by going into committee of the whole for the purpose of considering General File.

The ayes and noes being called for and ordered,

Those voting in the affirmative were

Ayes—Messrs. Chappell, Chase, Cook, Davis, Giles, Kimball, Martin, Mears, Schulteis, Tucker—10.

Those voting in the negative were

Noes—Messrs. Bean, Bennett, Boyd, Greulich, Joiner, Kingston, McClellan, Maxon, Proudfit, Simpson, Smith, Worthington—12.

The amendment was rejected.

The motion prevailed.

Senate went into committee of the whole on

No. 108, S., Special Order, Senator Smith in the chair.

After considering said bill for some time, committee rose and reported back

No. 108 S.,

With recommendation that it be recommitted to the Committee on Agriculture, and to the Committee on Education, School and University Lands.

Report adopted.

Senate adjourned.

SENATE CHAMBER,
March 12, 9 O'Clock, A. M. }

Senate assembled.

Lieutenant Governor in the chair.

Rev. Mr. Haider officiated as chaplain.

Roll of Senators called.

The absentees were, Senators Chappell, Clark, Cook, Martin, Pier, Schulteis, Tucker and Wheeler.

Journal of yesterday read and approved.

RESOLUTIONS INTRODUCED.

By Senator Joiner,

Joint Resolution, No. 41, S.,

Resolved by the Senate, the Assembly concurring, That the Governor be, and is hereby authorized to procure for the use of the State, suitable rooms in the city of Madison, for the use of the Supreme Court and State Library, as soon as may be after the passage of this resolution, and that he cause the same to be properly fitted up and furnished, by the removal of the books, furniture and other article now in use by said Court and Library into such rooms.

And be it further Resolved, That the Bank Comptroller be, and is hereby authorized to keep his office in the rooms now occupied by the Supreme Court and Library, and to cause the furniture, books and safes now belonging to his office to be removed into the same.

By Senator Cook,

No. 89, S.,

Resolved, That the Report of the State Librarian, and also, that of the State Treasurer, relative to replenishing of the State Library, be referred to committee of school and university lands, with full power to examine into the facts and circumstances in relation to the expenditure of the money drawn from the Treasury for replenishing the State Library, and that said committee report by bill or otherwise.

By Senator Greulich,

Resolved, That the committee on incorporations be instructed to inquire into whether there is a general law on our statutes, by which gymnastic associations can be incorporated; if no such law is in existence, then to report a law for that purpose.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Kimball,

No. 276, S., a bill for an act to amend chapter 68 of the general laws, A. D., 1853, being an act entitled "an act providing for the organization of joint stock companies."

Referred to general file.

By Senator Hanchett,

No. 277, S., a bill for an act to appropriate to Edward M. McGraw, States Prison Commissioner, the sum of \$3,500.

Referred to general file.

By Senator Mears,

No. 278, S., a bill for an act to divide the county of Pepin and annex certain portions thereof to the county of Dunn.

To committee on town and county organization.

By Senator Hanchett,

No. 279, S., a bill for act concerning writs of injunction.

To committee on the judiciary.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee report back bills,

No. 143 A., to authorize the Register of Deeds of Eau Claire county to procure certain records;

442 A., to legalize the official acts of John W. Hall a justice of the peace, in Forest, Fond du Lac county; and recommend their passage.

CHASE,

Chairman.

By Senator Hanchett,

The committee on State Prison, to whom was referred matters relating to the State Prison, respectfully report:

That in the discharge of their duties, they have examined the accounts of Edward McGarry, late Commissioner of the State Prison, and that his books appear to have been properly kept. That vouchers were presented, and explanations made by the said Commissioner, of the disbursement and application of all sums of money received by him for State Prison purposes.

Among the items charged, is the discount, paid by the Commissioner, in negotiating the appropriations made by the last legislature for the year 1857, amounting to two thousand two hundred ninety-nine dollars and ninety-nine cents; also the sum of six hundred and sixty-five dollars, as counsel fees in defending a charge preferred against him before the Govern-

or of the State, for malfeasance in office, which sums he has paid out of the funds appropriated for State Prison purposes.

A copy of the charges preferred against Edward McGarry, the late Commissioner, was found in the Executive office, but no evidence or record of evidence that could enlighten the the committee in regard to any further proceedings in the case.

The late Commissioner also claims a further sum of eleven hundred and fifty dollars, on account of this trial for expenses incurred therein, making the sum of eighteen hundred dollars, as the cost of an examination of said commissioner before the Executive on a charge of a malfeasance in office, being the cost and charges of the commissioner himself, without any reference to other expenses, that may have occurred during the investigation.

According to the report of the late Commissioner, the sum of three thousand dollars was appropriated by the last Legislature to lay the foundation of a wall around the prison, but for the reasons which he has given in his report, this sum was diverted to other purposes.

For a detailed statement of the transactions of the late Commissioner, the Legislature is referred to his late annual report.

In the discharge of their duties a portion of the committee have visited the State Prison at Waupun, and have examined the progress of the work on the main building of the prison, and such other matters as came within the scope of their duty.

The main building, on which the appropriation of the last year was expended, has been build so far has it has gone, in a thorough, substantial and workmanlike manner.

The early completion of the building is very desirable, as it would greatly facilitate the transaction of prison business, and the builning at present occupied by the warden, his family, and officers, could then be used as work-shops, which are very much needed for the profitable employment of prisoners.

In view, however, of the many calls for money at the present time, your committee would only recommend that an appropriation be made of a sum sufficient to so far complete the building as to make it available for the more pressing necessities of the prison.

A sewer to carry away from the prison yard, the accumulated filth of the establishment, is necessary and ought not to be longer delayed, and *cannot*, without hazarding the health of the convicts, and other persons about the prison. An appropriation is recommended for the purpose of building such sewer.

There is no improvement (except it be a sewer) more immediately necessary to the safe keeping, and proper care of the convicts, than a suitable stone wall around the prison. The necessary large appropriation for the support of the prison, in consequence of the increased number of convicts, alone prevents the committee from recommending an appropriation for the immediate construction of this wall.

The board fence (the present enclosure of the prison yard) is rapidly going to decay, and offers but a slight obstacle to the escape of prisoners. An increase of guards will be necessary to maintain the discipline, and insure the safe keeping of the prisoners, until a good and sufficient wall is built around the prison.

Under the law providing more fully for the organization of the State Prison, approved April 19th, 1852, the duties of Clerk of the State Prison are performed by the Deputy Warden.

Your committee are satisfied that the duties of Deputy Warden are such that it is quite impossible for him, in connection with his other duties, to perform those of clerk, and that an office of Clerk of the prison should be created, separate and apart from the Deputy Warden, whose duty it should be to keep the accounts of the Prison, and that the Deputy Warden should be released from any further duties as clerk. The committee would also recommend that the pay of the keeper,

turnkey and overseer of the cooking department be fixed at one dollar and fifty cents per day, instead of one dollar and twenty-five cents, which they are now allowed by law. The pay of the Guards is fixed at one dollar and fifty cents per day, and the committee can see no reason for the discrimination.

In consequence of increased duties, we would recommend that the pay of the Matron of the female department of the prison be fixed at six dollars per week.

So far as your committee could observe, the prison was kept in a cleanly and orderly manner, and the convicts under a proper state of discipline.

Your committee find that Prisoners have been kept and maintained in the State Prison, by commitments of the courts of the United States, for a length of time equal to five hundred and thirty-six weeks, up to January 1st, 1858, for a single prisoner. These prisoners have been kept entirely at the expense of this State, and for which the General Government is now indebted to the State in a sum not less than one thousand six hundred dollars:

Large appropriations will have to be made annually to this Institution, until the prison buildings are completed, proper work shops erected, and the labor of the convicts properly employed.

To meet the expenses of the current year the committee recommend the following appropriations, to wit:

To pay up the indebtedness, of last year,	\$10,000
For building a sewer, and carrying on the work on the main building	7,000
To pay current expenses,	30,000

Making in the whole, the sum of \$47,000, of which amount the sum of \$12,000 has already been appropriated, leaving a balance of \$35,000 necessary to be appropriated for State prison purposes.

Your committee will an early day introduce a bill for the appropriations herein recommended.

All of which is respectfully submitted.

L. HANCHETT,
HERMAN J. SCHULTEIS,
WM. E. SMITH,
Senate Committee.
ALBERT ALDEN,
J. C. HALL,
K. W. BEMIS,
W. P. McALLISTER,
PETER ROGAN,
Assembly Committee.

By Senator Smith.

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled:

No. 49 A., An act for the collection of taxes in joint school district No. 9, of the town of Beaver Dam and Lowell, in the county of Dodge.

No. 262 A., An to appropriate to O. C. Buck & Co., the sum of four hundred and seven dollars and eighty-one cents.

No. 262 A., An act to appropriate to Mortimer L. Saylor, the sum of eleven dollars and ten cents.

No. 379 A.. An act to appropriate to Lindsmart & Rullman the sum of four hundred and eighty-seven dollars and fifty cents.

No. 72 S., An act to enable the State Superintendent of Public Instruction to complete the distribution of Webster's Unabridged Dictionaries.

No. 164 S., An act to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857.

No. 224 S., An act to amend an act entitled an act to extend the time for the collection of taxes in the city of La Crosse, approved February 1st, 1857.

WM. E. SMITH, Of Senate Com.
GEO. C. SMITH, Of Assem. Com.

By Senator Kimball,
The committee on incorporations report
248 S., A bill for an act to incorporate the Northern Transit Company.

Also,

No. 40 A., A bill for an act to incorporate the Reeds Landing, Eau Claire, Steam Packet Company.

And recommend that they be indefinitely postponed.

The committee report herewith a bill to amend chapter 58 of the general laws of A. D. 1853, entitled An act to provide for the organization of Joint Stock Companies, under which all, in the opinion of your committee, the objects of such corporations can be attained.

The committee also report

No. 93 A., A bill for an act to amend the charter of the city of Beaver Dam.

And recommend its passage.

Also,

No. 269 A., A bill for an act to authorize the president and trustees of the village of Sparta, to divide the village into wards.

And recommend that it be indefinitely postponed.

KIMBALL,

Chairman.

Message from His Excellency, the Governor:

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March, 11, 1858. }

TO THE HONORABLE THE SENATE—

A bill entitled an "act to change the name of Rozilla Vantyne, to Martha Rozilla Bierce, and to establish her heirship," has been presented to me for my approval.

By a general law of 1852, power was conferred upon county Boards of Supervisors to change names of persons, and by the general laws of 1853 provision was made for the adoption of children and for establishing heirships by a court. If those general laws are imperfect, they should be amended, and the

Legislature no longer resorted to, at great and unnecessary expense to the State, for such purposes. The Legislature has no power to make one person the heir at law of another person, by simple act alone. I cannot approve this bill. I return it to the Senate where it originated, with these objections.

ALEX. W. RANDALL.

The question being on the passage of the bill notwithstanding the objections of the Governor.

The ayes and noes being required,

Those voting in the affirmative were :

Ayes.—Messrs. Cook, Kingston, Mears, Simpson, and Walsh.—5.

Those voting in the negative were :

Noes.—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Greulich, Joiner, Kimball, McClellan, Maxon, Proudfit, Smith, Sutherland, Virgin, and Worthington.—16.

The bill was declared lost.

Message from his Excellency the Governor.

EXECUTIVE OFFICE,
Madison, March 11, 1858. }

TO THE HONORABLE THE SENATE :

A bill entitled "an act to incorporate the Madison Gymnastic association, called in German, Der Madison Turnverein," has been presented to me for my approval. The act creates a "a corporation without banking powers or privileges," and without declaring it to be one of those cases where, in the judgement of the Legislature, the objects of the corporation cannot be attained under general laws. There is no objection to the objects of this bill; on the contrary the objects are, in themselves, praiseworthy. But the bill itself, as presented to me, conflicts with the clear intention of the Constitution on the subject of corporations. Such associations should be provided for by general laws. I return this bill to the Senate, where it originated, without my approval, for the reasons above stated.

ALEX. W. RANDALL.

The question being on the passage of
No. 59 S.

An act to incorporate the Madison Gymnastic Association,
called in German, Der Madison Turn Verein.

Notwithstanding the objections of the Governor,

The ayes and noes being required,

Those voting in the affirmative were:

Messrs. Kingston, Proudfit, Schulteis—3.

Those voting in the negative were:

Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles,
Greulich, Joiner, Kimball, Maxon, Mears, Simpson, Smith,
Sutherland, Virgin, Walsh, Worthington—18.

The bill was declared lost.

Message from his Excellency, the Governor.

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March 11, 1858. }

TO THE HON. THE SENATE—

I have had presented to me for my approval, a bill entitled
“an act to incorporate the Manitowoc Seminary.” Great
good, and lasting benefits, to the rising generation, will grow
out of institutions of this kind, intended to be established by
this bill. Too great facilities cannot be furnished by the
State for purposes of thorough intellectual and moral training.
But these institutions can only constitutionally be established
by general law. Ample provision ought to be made by general
law for incorporating academics, seminaries, and other
institutions of learning, without the expense and delay re-
quired by this system of special charters, and without com-
pelling philanthropists to be constantly knocking at the doors
of legislative halls for special legislation. For these reasons
I return this bill to the Senate, where it originated.

ALEX. W. RANDALL.

The question being on the passage of No. 120, “an act to
incorporate the Manitowoc Seminary,”

Notwithstanding the objections of the Governor,

The ayes and noes were required.

Those voting in the affirmative were :

Ayes.—Messrs. Mears, and Proudfit.—2.

Those voting in the negative were :

Noes.—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Maxon, Schulteis, Simpson, Smith, Sutherland, Virgin, Walsh, and Worthington.—19.

The bill was declared lost.

Messages from the Assembly.

MR. PRESIDENT :

I am directed to inform you that the Assembly refuses to concur in the amendment of the Senate to No. 246 A., a bill to provide for the payment of the Clerk of the Revisors.

I am also directed to present for your signature,

No. 69 A., a bill for an act to lay out a State road.

No. 30 A., an act to amend an act entitled, "an act to change the names of Elizabeth Brooks and Virginia Brooks," approved March 13th, 1855.

Memorial No. 164 A., a memorial to Congress for a mail route from Shullsburg to Platteville.

Memorial No. 142 A., a memorial to Congress for the establishment of a mail route.

Memorial No. 154 A., a memorial to Congress for a mail route from Darlington in La Fayette county, to Platteville in Grant Co.

Which have been signed by the Speaker.

MR. PRESIDENT :

I am directed to present to you for signature,

No 49 A., a bill for an act to enable the West Wisconsin Annual Conference of the M. E. Church to organize an aid society thereof, with corporate privileges; and also, to grant unto the Minnesota Conference certain privileges.

No. 72 S., a bill to enable the State Superintendent of Public Instruction to complete the distribution of Webster's Unabridged Dictionaries.

No. 115 A., a bill for an act to appropriate to Silas E. Pearson the sum of \$255 00.

No. 164 S., a bill to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857.

No. 149 A., a bill for an act for the collection of taxes in joint school district No. 9, of the towns of Beaver Dam and Lowell, in the county of Dodge.

No. 224 S., a bill for an act to amend an act entitled, "an act to extend the time for the collection of taxes in the city of La Crosse," approved February 1st, 1858.

No. 261 A., a bill for an act to appropriate to Jehu H. Lewis the sum of \$306 56.

No. 262 A., a bill for an act to appropriate to Mortimer L Sayles the sum of \$11 10.

No. 263 A., a bill for an act to appropriate to David Burdett the sum of \$195 58.

No. 260 A., a bill for an act to appropriate to O. C. Buck & Co., the sum of \$407 84.

No. 293 A., to appropriate to Johan Johanison the sum of \$25 50 for blank books.

No. 379 A., to appropriate to Lindermann & Rullman the sum of \$487 50.

Mem. No. 135 A., to congress for a mail route from Black River Falls, in Jackson county, via Trempealeau Valley to Fountain city, in Buffalo county.

And,

Memorial No. 83 A., a memorial to Congress for the establishment of a tri-weekly mail route from Brodhead in Green county, via Albany, Attica, Exter, and Dayton, to the city of Madison in Dane county.

Which have been signed by the Speaker.

MESSAGES TAKEN UP.

No. 246, A.

Senator Kimball moved that the Senate recess from its amendment.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Martin, Mears, Proudfit, Simpson, Smith, Tucker—14.

Noes—Messrs. Bean, Bennett, Boyd, Greulich, Kingston, Maxon, Schulteis, Sutherland, Vigin, Walsh, Worthington—11.

The motion prevailed.

Senator Giles moved a reconsideration of the vote by which the Senate recessed.

Senator Smith moved to lay the motion on the table.

Senator Greulich moved a call of the Senate.

Call was had.

The absentees were Senators Chappell, Clark, Pier, Warren and Wheeler.

The Sergeant-at-Arms was dispatched for the absentees.

The Sergeant-at-Arms reported the absentees as having come in except those having leave of absence.

Further proceedings under the call dispensed with.

The question being on the motion of Senator Smith to lay motion to reconsider on the table,

The ayes and noes were demanded and had, and were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Greulich, Kingston, Maxon, Mears, Schulteis, Smith, Virgin, Walsh—11.

Noes—Messrs. Chappell, Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Martin, Proudfit, Simpson, Sutherland, Tucker, Worthington—15.

Not agreed to.

The question being on the motion to reconsider,

The ayes and noes were called for and ordered, and were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Greulich, Kingston, Maxon, Schulteis, Smith, Virgin, Walsh—10.

Noes—Messrs. Chappell, Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Martin, Mears, Proudfit, Simpson, Sutherland, Tucker, Worthington—16.

Not agreed to.

Nos. 228 A., and 243 A.

Read 1st and 2d times, and

Referred to committee on incorporations.

No. 165 A.

Read 1st and 2d times.

Referred to committee on incorporations, with instructions to report a general law upon the subject.

Nos. 215 A., 357 A., 345 A. and 142 A.

Read first and second times.

Referred to general file.

No. 282 A.

Read first and second times.

Referred to committee on education, school and university lands.

Nos. 368 A., 207 A., and No. 364 A.

Were laid on the table.

Joint Resolution

No. 32 A.

Rules suspended.

On motion,

Referred to committee on State affairs.

Substitute for No. 197 A.

Read 1st and 2d times,

Senator Joiner moved to refer to committee on claims, with instructions to report bill in its original state.

Senator Schulteis moved to lay on the table.

The motion prevailed.

Leave of absence was granted to Senators Warren and Virgin for one week.

On motion of Senator Davis.

Rules suspended.

No. 234, S., a bill for an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof.

Taken from general file.

Ordered to the third reading.

Read the third time.

Passed.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chase, Cook, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Mears, Smith, Sutherland, Tucker, Virgin, Walsh and Worthington—18.

Senator Schulteis was excused from voting.

The title was agreed to.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Kimball in the chair.

After some time spent therein,

Committee rose and reported back,

No. 119, S., and 193, S.,

With recommendations to indefinitely postpone the same.

No. 176 S, amendments,

No. 211 S,

With recommendations to refer to Committee on Internal Improvements.

Nos. 196, S., and 18, S.,

With recommendations to pass.

No. 132 S,

With amendments.

No. 222, S.

With recommendations to refer to Committee on Education, School and University lands.

No. 106, S.,

With recommendation to lay on the table.

Report taken up.

No. 119, S.,

A bill for an act to authorize the County Board of Supervisors to submit to a vote of the people the question of removal of county seats.

Report concurred in.

Indefinitely postponed.

No. 193 S.

A bill for an act to authorize the State Treasurer to receive the notes of Wisconsin specie paying banks in payment of Interest on account of school, university and swamp lands.

Indefinitely postponed.

No. 211 S.

An act declaring certain parts of Waupacca River navigable.

Referred to committee on Internal Improvement.

No. 123 S.

An act in relation to Insurance.

Referred to committee on incorporations.

No. 176 S.

An act to authorize garnishee suits in justice courts in certain cases.

Amendments of committee concurred in.

Ordered engrossed for third reading.

Leave of absence was granted to Senators Tucker, Clark, Wheeler, Schulteis and Worthington, until Monday P. M. 4 o'clock, and to Senator Martin for an indefinite time.

Senator Chase moved to adjourn.

Not agreed to.

Senator Kimball moved to adjourn until 8 o'clock P. M.

Not agreed to.

Senator Chase moved to adjourn.

And the ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Boyd and Kimball—2.

Noes—Messrs. Bean, Bennett, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Mears, Schulteis, Smith, Sutherland, Walsh and Worthington—18.

Senate refused to adjourn.

Senator Joiner moved to suspend the rules, for the purpose of considering,

No. 23, A., a bill for an act to appropriate to Thomas J. Otis, the sum of Two Hundred and twenty-three dollars.

The motion prevailed.

Bill ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Mears, Smith, Sutherland, Walsh, and Worthington—19.

Senator Schulteis voting in the negative.

Title agreed to.

Senator Chase moved to adjourn.

The ayes and noes being demanded and taken, were as follows:

Ayes—Messrs. Bennett, Chase, Davis, Hanchett, Joiner, Kimball, McClellan, Mears, Schulteis, Walsh, Worthington—11.

Noes—Messrs. Bean, Boyd, Cook, Giles, Greulich, Kingston, Martin, Smith, Sutherland—9.

The motion prevailed.

Senate adjourned.

SENATE CHAMBER,
March 13th, 9 o'clock A. M. }

Senate assembled.

Lieut. Governor in the chair.

Roll of Senators called.

The absentees were Senators Clark, Giles, Martin, Maxon, Pier, Proudfit, Simpson, Smith, Tucker, Warren, Walsh, Wheeler and Worthington.

No quorum present.

Senator Sutherland moved a call of the Senate.

Call was had.

The absentees were Senators Clark, Kimball, Kingston, Martin, Maxon, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, Warren, Walsh and Wheeler.

There being a quorum present,

Further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

Senator Sutherland introduced the petition of A. Babcock and others, in relation to town roads in this State.

Referred to committee on roads, bridges and ferries.

RESOLUTIONS INTRODUCED.

By Senator Sutherland,

No. 91, S.,

Resolved, That the Chief Clerk of the Senate be instructed to correct the message of the Senate to the Assembly, on the 11th inst., so that said message shall be as follows:

“The Senate has concurred with the Assembly in the passage of,

“No. 287, A., a bill for an act to provide for the payment of the clerks of the joint committee of the judiciary and claims,

“With amendment.”

In which the concurrence of the Assembly is requested.

Rules suspended.

Resolution adopted.

By Senator Chappell,

No. 92, S.,

Resolved, That the Honorable Denison Worthington, Chairman of the joint committee of the two Houses, for the investigation of the alledged frauds of the Legislature of 1856, in the disposal of the Land Grant, be instructed to furnish the Senate with a copy of the testimony of L. P. Anderson, as taken before said committee.

Senator Chappell moved to suspend the rules.

Senator Sutherland moved to refer to joint select committee of Investigation.

Senator Cook moved to lay the motion for reference on the table.

Senator Giles rose to a point of order, to wit:

That a motion to suspend rules takes precedence of a motion to refer.

The chair decided the point well taken.

The question being on suspending the rules.

The motion prevailed.

Senator Bean offered the following amendment

Add at the end of said resolution "As soon as in his opinion the cause of justice and the best interest of the State shall require."

The amendment was adopted.

Senator Giles moved to amend so as to become a joint resolution.

Senator Cook offered the following as a substitute:

Resolved, That a committee of three, to consist of three members of the Senate, be appointed to investigate into the conduct of Hon. Wm. Chappell, Senator from the 14th district, in regard to his guilt or innocence of an attempt to bribe witnesses subpoenaed before the joint committee of investigation, of which Hon. D. Worthington is chairman; or whether the said Chappell has been guilty of any other illegal or improper conduct as a member of this body.

On motion of Senator Boyd,

The resolution, pending amendments and substitute, was referred to the joint select committee for investigation.

RESOLUTIONS CONSIDERED.

Joint Resolution No. 41 S.

Resolved by the Senate, the Assembly concurring, That the Governor be, and is hereby authorized to procure for the use of the State, suitable rooms in the city of Madison, for the use of the Supreme Court and State Library, as soon as may be after the passage of this resolution, and that he cause the same to

be properly fitted up and furnished, by the removal of the books, furniture and other articles now in use by said Court and Library into such rooms.

And be it further resolved, That the Bank Comptroller be, and is hereby authorized to keep his office in the rooms now occupied by the Supreme Court and Library, and to cause the furniture, books and safes now belonging to his office to be removed into the same.

Referred to committee on banks and banking.

No. 89 S.,

Resolved, That the report of the State Librarian, and also, that of the State Treasurer, relative to replenishing of the State Library, be referred to committee of school and university lands, with full power to examine into the facts and circumstances in relation to the expenditure of the money drawn from the Treasury for replenishing the State Library, and that said committee report by bill or otherwise.

Adopted.

No. 91 S.,

Resolved, That the committee on incorporations be instructed to inquire into whether there is a general law on our statutes, by which gymnastic associations can be incorporated; if no such law is in existence, then to report a law for that purpose.

Adopted.

Senator Davis on leave introduced,

Bill No. 280 S.,

A bill for an act to protect stockholders of incorporated companies.

Referred to committee on the Judiciary.

On motion of Senator Giles,

Rules suspended,

No. 276 S., a bill for an act to amend chapter 68 of the general laws, A. D., 1853, being an act entitled "an act providing for the organization of joint stock companies."

Taken from general file, and,

Referred to committee on Judiciary.

COMMITTEE REPORTS.

By Senator Bean.

The committee on town and county organization to whom was referred bill No. 157 S., being a "bill for an act to repeal chapter 367 of the private and local laws of 1857, entitled An act to amend an act entitled and an act to incorporate the village of Port Washington," having had the same under consideration, report it back to the Senate and recommend its passage.

S. C. BEAN,
Chairman.

On motion of Senator Greulich,

Rules suspended.

No. 157 S.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

By Senator Mears.

The committee on engrossed bills, report as correctly engrossed, bill No. 47 S., a bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

D. MEARS,
Chairman.

March 13, 1857.

By Senator Davis.

The Joint Committee for Investigation, to whom was referred the following Joint Resolution, No. 21, Senate,

Resolved by the Senate, the Assembly concurring, That the Joint Committee for Investigation be instructed to inquire whether deeds for lots in Kilbourn City have been forwarded to any members of the present Legislature, and if so, to whom, by whom and for what purpose said deeds were executed and forwarded to said members."

Have prosecuted their inquiries as directed, and submit the following

REPORT.

Of the present members of the Legislature, Senators CLARK, COOK, GREULICH, KIMBALL, PIER, SCHULTEIS, SIMPSON, SUTHERLAND and WHEELER, have each had sent to them a deed for a village lot in Kilbourne City. Those deeds were forwarded to the above named Senators by JOHN B. VLIEt, in his official capacity, as President of the Wisconsin River Hydraulic Company.

Your committee herewith submit the testimony of most of the above named Senators, by which it will be seen that these deeds were forwarded without the knowledge or consent of any person receiving the same. Several Senators on receiving these deeds returned them to Mr. Vliet, others threw them aside as worthless paper, and others, still, brought them to this place when they came here to attend to their official duties, and some of the Senators have returned the deeds to Mr. Vliet, in person, since this session commenced.

Your committee herewith submit the statement of John B. Vliet, as this testimony is supposed to show for what purpose this distribution of deeds was made.

STATE OF WISCONSIN, }
COUNTY OF DANE, } ss.

John B. Vliet, being duly sworn, says on oath, that he is President of the Wisconsin River Hydraulic Company; that no deeds of lots in Kilbourne City have been forwarded by him to members of the Legislature as such; that deeds have been forwarded to several members of the last legislature, to the number of about sixteen; we forwarded a deed to each member, save one, who voted against a repeal of our charter, that one was Senator Wiel; said deeds were forwarded under my directions, and intended as complimentary, and not for the purpose of securing any official action, or making compensation for any previous action; we have presented deeds to several persons in and out of the State, editors and others,

for the purpose of giving notoriety and importance to our place; the company do not now expect, nor have they at any time expected to ask any action of this legislature; if they appear before the legislature it will be only in self-defence, and of this they had no expectation at the time of making any of the deeds embraced in this inquiry.

JOHN B. VLIET.

Sworn and subscribed before me, this 25th day of February, 1858.

M. M. DAVIS,

Chairman Joint Com. for Investigation-

Your committee do not find that any Senator *accepted* of the deed sent him, but every one considered this "complimentary benefit" of doubtful propriety, and therefore either returned it at once, or threw it by as refuse paper.

The committee are satisfied, after a thorough investigation of the whole matter, that the several Senators to whom deeds were sent, are not, in any way, shape or manner, implicated in the transaction.

M. M. DAVIS, of the Senate.

E. L. RUNALS,

ELIJAH EASTON,

of the Assembly.

By Senator Smith.

The joint committee on enrolled bills, report that they have examined and compared the following bills, and find the same correctly enrolled.

No. 67 S., An act to legalize the acts of the Board of Supervisors of the town of Brooklyn, in the county of Greene.

No. 198 S., An act to authorize the Treasurer of School District No. 1, in the town of Port Washington, to receive county orders in payment of school district tax.

No. 104 A., An act to lay out a State road from Fremont, in Waupacca county, to Stevens Point, in Portage county.

No. 155 A., An act to appropriate to Samuel R. Fox, the sum of money therein named, for hardware furnished the State.

No. 212 A., An act to authorize the State Superintendent to apportion to the counties of Columbia, Dane and Jackson, the sums of money therein named.

No. 378 A., An act to appropriate to J. H. Cleaves, the sum of twenty-five dollars.

No. 380 A. An act to appropriate to K. J. Fleischer, the sum of one hundred and eighty two dollars and fifty cents.

No. 437 A., An act to extend the time for the collection of taxes in the county of Marathon for the year 1857.

No. 457 A., an act to extend the time for the collection of taxes in the town of Black Earth, county of Dane.

WM. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Smith,

The joint committee on enrolled bills, report that they, on the 12th day of March, 1858, presented to the Governor for his approval, the following bills and memorials :

No. 30, A., an act to amend an act entiled an act to change the name of Elizabeth Brooks and Virginia Brooks. Approved March 13th, 1855.

No. 69, A., an act to lay out a state road.

No. 15, S. a memorial to Congress for amount due from sales of public lands lying within this State.

No. 142, A., a memorial to Congress for the establishment of a mail route.

No. 154, A., a memorial to Congress for a mail route from Darlington, in La Fayette county, to Platteville, in Grant county.

No. 164, A., a memorial to Congress for a mail route from Shullsburg to Platteville.

No. 49, A., an act to enable the West Wisconsin Annual Conference of the Methodist Episcopal Church to organize an aid society therefor, with corporate privileges, and also to grant unto the Minnesota conference certain privileges.

No. 83, A., a memorial to Congress for the establishment of a tri-weekly mail route from Broadhead, in Green county, via. Albany, Attica, Exeter and Dayton, to the city of Madison, in Dane county.

No. 115, A., an act to appropriate to Silas E. Pearson the sum of money therein named, to wit: two hundred and fifty-five dollars.

No. 135, A., Memorial to Congress for a mail route from Black River Falls, in Jackson county, via. Trempeleau county, to Fountain city, in Buffalo county.

No. 261 A., an act to appropriate to John H. Lewis, the sum of three hundred and six dollars and fifty-six cents.

No. 263 A., an act to appropriate to David Burdell the sum of one hundred and ninety-five dollars and fifty-eight cents.

No. 293 A., an act to appropriate to Johan Johanison the sum of twenty-five dollars and fifty cents.

No. 149 A., an act for the collection of taxes in joint school district No. 9, of the towns of Beaver Dam and Lowell, in the county of Dodge.

No. 260 A., an act to appropriate to O. C. Buck & Co., the sum of \$497.81.

No. 262 A., an act to appropriate to Mortimer L. Sayles the sum of \$11.10.

No. 379 A., an act to appropriate to Lindemann & Rullman the sum of \$487.50.

No. 72 S., an act to enable the State Superintendent of Public Instruction to complete the distribution of Webster's unabridged dictionaries.

No. 164, S., an act to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857.

No. 224, S., an act to amend an act entitled an act to extend the time for the collection of taxes in the city of La Crosse, approved February 1st, 1858.

W. E. SMITH, Of Senate Com.

GEO. C. SMITH, Of Assembly Com.

Message from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed No. 429 A., a bill for an act providing for the submission of the question to the voters of Calumet county of division of said county.

In which the concurrence of the Senate is requested.

The Assembly have concurred in the passage of,

No. 92 S., a bill for an act to legalize certain taxes therein named with an amendment.

In which the concurrence of the Senate is requested.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 228 A., a bill for an act to amend an act entitled an act to incorporate the village of Burlington, in Racine county, approved March 31st 1855.

No. 165 A., a bill for an act to incorporate the union insurance company.

No. 243 A., a bill for an act to amend an act entitled an act to incorporate the village of Omro.

No. 216 A., a bill for an act to repeal a part of chapter 323 of the session laws of 1857, being an act entitled an act to authorize certain towns in Waupacca and Waushara counties to aid in the construction of a railroad.

No. 368 A., a bill for an act to incorporate the First Baptist church of Plainfield, Waushara county.

No. 282 A., a bill for an act to incorporate the Waupacca union school district, in the county of Waupaca.

No. 257 A., a bill for an act to appropriate to William H. Arthur & Co., the sum of \$104.

No. 307 A., a bill for an act to alter a state road from Blue Mounds to Badger Mills.

No. 364 A., a bill for an act to lay out a state road from Darlington to Wiota.

No. 345 A., a bill for an act relating to trespasses upon grounds occupied by agricultural and other societies for show or other exhibition.

No. 142 A, a bill for an act to amend section 5, of chapter 121 of the general laws of 1856, entitled an act concerning railroads.

And,

Joint Resolution No. 32 A, calling for a committee of Senate and Assembly, to ascertain the condition of the Center Union Building.

In which the concurrence of the Senate is requested.

And has passed a substitute for,

No. 197 S, a bill for an act to fix the compensation of the Revisors of the general laws of this State.

In which the concurrence of the Senate is requested.

Message taken up.

No. 429 A.

A bill for an act providing for the submission of the question to the voters of Calumet county of division of said county.

Senator Hanchett moved to suspend the rules.

The ayes and noes being called for, and ordered, were as follows :

Ayes—Messrs. Chappell, Cook, Hanchett, Kimball, Proudfit, Simpson, Smith, Sutherland—8.

Noes—Messrs. Bean, Boyd, Chase, Davis, Giles, Greulich, Joiner, McClellan, Mears—9.

Senate refused to suspend rules.

Referred to committee on town and county organization.

No. 92 S.

A bill for an act to legalize certain taxes therein named.

Amendments of Assembly concurred in.

BILLS ON THIRD READING.

No. 176 S.

A bill to authorize garnishee suits in justices courts in certain cases.

Read the third time.

Passed.

Title agreed to.

No. 77 A. *any bill*

A bill for an act to incorporate the Brodhead Female Seminary.

Laid on the table.

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 196 S.

A bill for an act to appropriate to the Wisconsin Institute for the Education of the Blind certain sums of money therein named.

Ordered engrossed for third reading.

No. 132 S., a bill to authorize the Secretary of State to audit certain accounts.

Amendments of committee concurred in.

Ordered engrossed for third reading.

Memorial No. 18 S.,

Memorial for a mail route from Mauston in Juneau county to Viroqua in Bad Ax county.

Ordered engrossed and read third time.

No. 106 A., a bill for an act authorizing Ziba Goff to build and maintain a Dam across the Kill Snake river.

Report of committee concurred in.

Laid on the table.

Senator Chase moved to adjourn.

Senate refused to adjourn.

Senator Schulteis moved that when the Senate adjourn, it adjourn until 4 o'clock, Monday P. M.

The motion prevailed.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE.

On the general file.

Senator Chase in the chair.

After some time spent therein,

Committee rose and reported back,

No. 86 A, and 56 S,

Without amendment and recommended passage.

Nos. 105 S, 230 S, and 93 S, with amendments.

No. 134 S. and 187 S. with recommendation that they be referred to committee on the Judiciary.

Report taken up.

No. 134 S, a bill to incorporate the Kewaunee and New Franklin Plandroad Company; and

No. 187 S, a bill for an act to incorporate the Neenah Hydraulic Company.

Report of committee concurred in.

Referred to committee on Judiciary.

No. 230 S.

A bill for an act to fix the compensation of witnesses attending upon Legislative committees.

Amendments of committee concurred in.

No. 105 A., A bill for an act concerning crimes.

Amendments of committee concurred in.

Ordered to third reading.

No. 56 S, a bill to authorize tenants in common to sue each other in certain cases.

Ordered engrossed, and

Read third time.

No. 86 A, a bill for an act for the relief of the county of Jackson.

Ordered to third reading.

No. 93 S, a bill for an act entitled an act to appropriate a certain sum of money to defray the incidental expenses of the Governor.

Amendments of committee concurred in.

Ordered engrossed, and

Read third time.

Senator Bennett moved a suspension of the rules for the purpose of considering,

No. 47 S.

A bill to amend chapter 15 of the revised statutes in relation to the assessment and valuation of taxes.

The motion prevailed.

Senator Bennett offered the following amendments :

Strike out in section 12, line 28, "moneys and."

Strike out "eight" insert "ninth," in next to the last line of section 41 of engrossed bill, and insert in lieu thereof, the words "sixth" and "seventh."

Add as additional section.

"This act shall take effect, and be in force, from and after its passage and publication."

Said amendments were severally, by the unanimous consent of the Senate,

Adopted.

Senator Bennett moved a call of the Senate.

Call was had.

The absentees were Senators Chappell, Clark, Cook, Kimball, Kingston, Martin, Maxon, Pier, Tucker, Virgin, Warren, Walsh and Wheeler.

The Sergeant-at Arms was dispatched for Senators Cook, Chappell and Kimball, 11 other absentees having leave of absence.

On motion,

Further proceedings under the call were dispensed with.

No. 47 S.

Read third time.

The question being on the passage of the bill, and the ayes and noes being required, were taken, and there was no quorum voting.

Senator Bennett moved a call of the Senate.

Call was had,

The absentees were Senators

Chappell, Clark, Kimball, Kingston, Martin, Maxon, Pier, Tucker, Virgin, Warren and Wheeler,

There being a quorum present,

Further proceedings under the call were dispensed with.

The question being on the passage of,

No. 47 S.,

Those voting in the affirmative were:

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, McClellan, Mears, Proud-fit, Schulteis, Simpson, Smith, Sutherland, and Worthington.

—18.

The bill was passed.

Title agreed to.

On motion,

Senate adjourned until 4 o'clock, Monday P. M.

SENATE CHAMBER,
March 15th, 4 o'clock, P. M. }

Senate assembled.

Lieut. Governor in the chair.

Roll of Senators called.

The absentees were,

Senators Chappell, Clark, Davis, Giles, Greulich, Kimball, Kingston, Martin, Maxon, Pier, Schulteis, Smith, Tucker, Virgin, Warren, Walsh, Wheeler and Worthington.

No quorum present.

On motion of Senator Bennett,

Senate adjourned.

SENATE CHAMBER,
March 16, 9 o'clock, A. M. }

Senate assembled.

Lieutenant Governor in the chair.

Rev. Mr. Millour officiated as chaplain.

Roll of Senators called.

The absentees were Senators Clark, Kingston, Martin, Maxon, Schulteis, Virgin.

Journals of Saturday and yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED,

By Senator Warren.

Petition for relief of William Porter, of Monroe, Green county, whose wife is insane.

To Committee on State Affairs.

By Senator Boyd.

Petition of citizens of Delavan, Walworth county, for repeal of their charter.

To committee on Incorporations.

By Senator Worthington.

Account of J. H. Castle against the State of Wisconsin.

To Committee on Claims.

RESOLUTIONS INTRODUCED.

By Senator Giles.

No. 91, S.

Whereas, Reports are in circulation reflecting severely upon the conduct and character of Hon. William P. Chappell, a member of this Senate, which, if true, involve a breach of the privileges of the Senate, therefore,

Resolved, That Senators Bennett, Cook and Smith be, and they are hereby appointed a committee to hear and investigate such charges as may be preferred against the said Wm. Chappell. And such committee is hereby empowered and required to send for papers and persons, and examine, on oath, such witnesses as may appear or be brought before such committee, as to all matters touching such charges. The said Wm.

Chappell may appear before said committee, in person, cross-examine the witnesses against him, and have witnesses sworn and testify in his behalf.

And said committee is directed to report its proceedings, together with all the evidence touching the matters under investigation, with their opinion thereon, to the Senate, at as early a day as practicable.

By Senator Boyd,

No. 92 S.

Resolved by the Senate, the Assembly concurring, That the joint judiciary committee be, and they hereby are, instructed to report the whole of the Revised Statutes, as prepared by the Revisors, immediately to the legislature for their action.

BOYD.

By Senator Cook,

No. 93 S.

Whereas, By a lengthy, well written article from a correspondent writing from this city, under date of the 5th inst., to the "Conservator," a well conducted Republican newspaper, published at Neenah, in the county of Winnebago, in this State, it appears that the author of said article at some time or other has, in his opinion had facilities for knowledge in regard to certain matters sought to be investigated by the joint select committee, of which the Honorable D. Worthington is chairman, which warrant him, said correspondent, in regard to said matters, among other things, in making the following statement, to-wit:

"I do not believe that those bonds had any influence upon his, Bashford's, official conduct in relation to the bill giving these lands to the Company. I have reason to believe that he (meaning Coles Bashford, late Governor,) signed that bill unwillingly, and as a measure of *political* expediency, at the earnest solicitation of *political* friends. I have reason to believe that the signing of that bill at *that* time was necessary to the election of Judge Potter to Congress, and the defeat of the corrupt Hadly."

Therefore,

Resolved by the Senate and Assembly, the Assembly concurring,
That the said joint committee are specially required hereafter First, To inquire in the foundation for said correspondent's statements in relation to the said Governor's approval of the act referred to by said correspondent in his said communication, it being the act making disposition of a very large amount of land under it. And, if on inquiry they find the said opinion of said correspondent, to be founded in fact, that said committee immediately on such finding, do so report to this legislature; and that then thereafter all further investigation in relation to the disposition of said Land Grant cease, as the only object sought to be attained by "the earnest solicitation of political friends," of the late Executive in the passage and approval of the act making the grant, was "a measure of political expediency," has unfortunately been secured. And that therefore, all other inquiry in regard to the disposition of said land grant, sink into such utter insignificance, as to render a further employment of the people's time and money, such a profligate waste of both as not to authorize their legislature further to sanction either.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Sutherland,

No. 281 S.

A bill to provide for the incorporation of academies and other institutions of learning.

To committee on incorporations.

By Senator Warren,

No. 282 S.

A bill for an act to appropriate a certain sum of money to the town of Monroe, in Green county.

To committee on state affairs.

By Senator Boyd,

No. 283 S.

A bill for an act to repeal an act to incorporate the village Delevan, approved March 31st, 1856.

To committee on incorporations.

By Senator Hanchett,

No. 284 S.,

A bill for an act to lay out and establish a State road from Wausau in Marathon county northerly to the State line.

To committee on roads, bridges and ferries.

By Senator Hanchett,

No. 285 S.,

A bill for an act to amend chapter 4, of title 3 of the code of Procedure relating to the offer of the defendant to compromise the whole or part of the action.

To committee on judiciary.

By Senator Simpson,

No. 286 S.,

A bill for an act regulating the fees for the advertisement of tax sales and legal notices in newspapers.

To committee on State affairs.

By Senator Davis, from Rail Road committee.

No. 287 S.,

A bill for an act to repeal all laws now in force authorizing the issue of bonds to Rail Road companies.

To general file.

COMMITTEE REPORTS.

By Senator Warren.

Committee on engrossed bills report correctly engrossed.

Bill No. 93 S., bill No. 196 S., bill No. 132 S., bill No. 230 S., bill No. 56 S., bill No. 155 S., and Memorial No. 18 S.

J. H. WARREN,

Chairman.

By Senator Davis.

The committee on railroads to whom was referred No. 52 S., "an act to repeal an act entitled an act to authorize certain counties to aid in the construction of the Milwaukee & Horicon Railroad," with instructions to report a bill for an act to repeal all laws now in force authorizing the issue of

bonds to Railroad companies, herewith report a bill in accordance with instructions.

M. M. DAVIS,

For Committee.

By Senator Bean.

The committee on town and county organizations to whom was referred Assembly bill No. 429, a bill for an act providing for the submission of the question to the voters of Calumet county of division of said county, have had the same under consideration and report it back and recommend its passage.

BEAN,

Chairman.

By Senator Simpson.

The committee on roads, bridges and ferries, to whom was referred the following bills:

No. 171 A. "a bill for an act to provide for a State road from Appleton to Shawano." No. 172 A., "a bill for an act to lay out and establish a State road from La Crosse, in La Crosse county, to Fountain City, in Buffalo county." No. 259 A., "a bill for an act to legalize a State road leading from Sparta to Richmond." No. 343 A., "a bill for an act to authorize the laying out and establishing a State road from the village of Reedsburg to Kilbourn City." No. 238 S., "a bill to legalize a certain State road;" have examined the same, and report them back without any amendments, and recommend their passage.

P. B. SIMPSON,

Chairman.

By Senator Pier.

The joint committee on claims, to whom was referred bill No. 104 S., have had the same under consideration and instructed me to report the same back and recommend its passage.

E. PIER,

Chairman.

The joint select committee of investigation, to whom was referred the following :

Resolution No. 72 S.

Resolved, That the Hon. Denison Worthington, chairman of the joint committee of the two Houses for the investigation of the alleged frauds of the legislature of 1856, in the disposal of the Land Grant, be instructed to furnish the Senate with a copy of the testimony of L. P. Anderson, as taken before said committee.

Together with the pending amendments, and the following, offered as a substitute to the foregoing resolution.

Resolved, That a committee of three, members of the Senate, be appointed to investigate into the conduct of Hon. Wm. Chappell, Senator from the 14th district, in regard to his guilt or innocence of an attempt to bribe witnesses subpoenaed before the joint committee of investigation, of which Hon. D. Worthington is chairman, or whether the said Chappell has been guilty of any other illegal or improper conduct as a member of this body.

Have had the same under consideration, and instructed me to report to the Senate that they have adopted the following resolutions in reference thereto.

Resolved, That it is the opinion of this committee, that it would be improper to furnish either the Senate or Assembly with a copy of any testimony taken by this committee, without the direction of both Houses, by joint resolution or otherwise.

Resolved further, That it is the opinion of this committee, that the conduct of a member of the Senate should be investigated by that body, or by its committee, without acting with members of the Assembly.

P. B. SIMPSON,

Chairman pro tem.

On motion,

Laid on the table.

Message from His Excellency the Governor :

EXECUTIVE OFFICE,
Madison, March 15, 1858. }

TO THE SENATE—

The following entitled bills and memorials, originating in the Senate, have received the Executive approval, and have been deposited in the office of the Secretary of State :

11, S., memorial to Congress for a mail route from the village of Barton, in Washington county, to the city of Fond du Lac ;

14, S., memorial to the Senate and House of Representatives of the United States, in Congress assembled ;

15, S., memorial to Congress for amount due from sales of Public Lands lying within this State ;

156, S., an act to extend the time for the payment of the interest due the Swamp Land and School Fund of this State ;

138, S., an act authorizing the borrowing of money on the faith and credit of the State, for the purpose of defraying certain extraordinary expenditures ;

91, S., an act to amend the act entitled "an act to incorporate the Green Bay, Depere and Madison Railroad Company," approved March 17th, 1853 ;

68, S., an act to amend chapter 416 of the session laws of 1852, entitled "an act to incorporate the Dodge County Mutual Insurance Co.," approved April 17, 1852 ;

79, S., an act to legalize the official acts of Dominick Hunt, a justice of the peace in the county of Brown ;

83, S., an act entitled an act to amend chapter 183 of the private and local laws of 1854, entitled "an act to authorize the Board of Supervisors of the county of Milwaukee to issue bonds, for the purpose therein named," approved March 25, 1854 ;

161, S., an act to authorize the collection of taxes in the town of Concord, in the county of Jefferson ;

227, S., an act to extend the time for the collection of taxes in the town of Eagle, Waukesha county ;

72, S., an act to enable the State Superintendent of Pub-

lic Instruction to complete the distribution of Webster's unabridged dictionaries;

164, S., an act to legalize the acts of the assessor of the town of Beloit, in the county of Rock, for the year 1857;

224, S., an act to amend an act entitled "an act to extend the time for the collection of the taxes in the city of La Crosse," approved February 1st, 1858.

ALEX. W. RANDALL.

BILLS ON THIRD READING.

No. 86, A., a bill for an act for the relief of the county of Jackson.

Referred to committee on claims.

No. 196, S., a bill for an act to appropriate to the Wisconsin Institute for the education of the blind, certain sums of money therein named.

Senator Bennett moved to refer to committee on claims.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Joiner, Pier, Proudfit, Warren, Walsh and Wheeler—11.

Noes—Messrs. Cook, Davis, Giles, Hanchett, Kimball, Mears, Simpson, Smith, Sutherland, Tucker and Worthington—11.

There being a tie vote,

The President voted in the affirmative, and

The motion prevailed.

Senator Davis on leave introduced the following resolution:

Resolved, by the Senate the Assembly concurring, That the joint committee on claims be and are hereby instructed to revisit the Institution for the education of the Deaf and Dumb, and also the Institute for the education of the Blind, and report to the Legislature as soon as convenient, what amount of money is required to meet the necessities of said Institute for the ensuing year.

Senator Joiner moved to lay the resolution on the table.

The ayes and noes being called for and ordered were as follows:

Ayes.—Messrs. Bean, Bennett, Chappell, Chase, Cook, Giles, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson, Sutherland, Warren, Walsh, Wheeler, and Worthington.—20.

Noes.—Messrs. Boyd, Davis, Hanchett, Smith, and Tucker.—5.

The motion prevailed.

No. 56 S., a bill to authorize tenants in common to sue each other in certain cases.

Read third time.

Passed.

Title agreed to.

Memorial No. 18 S.,

A memorial for a mail route from Mauston in Juneau Co., to Viroqua in Bad ax county.

Read third time.

Passed.

Title agreed to.

No. 132 S., a bill to authorize the Secretary of State to audit certain accounts.

Read a third time,

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Proudfit, Smith, Sutherland, Warren, Walsh, Wheeler and Worthington.—19.

Senator Simpson voting in the negative.

Title agreed to.

No. 230 S.,

A bill for an act to fix the compensation of witnesses attending upon Legislative committees.

Read third time,

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Wheeler, Worthington.—21.

Noes.—Messrs. Chappell, Walsh.—2.

No. 93 S., a bill for an act to appropriate certain sums of money to defray the incidental expenses of the Governor.

Read third time.

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Wheeler, and Worthington.—20.

Noes.—Chappell, Warren, and Walsh.—3.

Title agreed to.

No. 105, A.

Read third time.

Passed as amended.

Title amended by striking out "crimes" and inserting "perjury," and agreed to.

No. 155, S.

A bill for an act to provide for the keeping of insane persons, and to authorize the Secretary of State to audit accounts for the same.

Read third time.

Passed.

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler and Worthington.—23.

Title agreed to.

Senator Hanchett moved to suspend the rules for the purpose of considering,

No. 221, S.

A bill to provide for the payment of the expenses of the Joint Committee of Investigation.

Senator Wheeler moved to amend so as to include

No. 182, S.

A bill for an act to authorize the State Superintendent to apportion money to certain school districts therein named.

The amendment was agreed to.

The motion as amended prevailed.

No. 221 S.

Substitute reported by committee on claims.

Read first and second times.

Senator Wheeler moved to amend by striking out "select committee of investigation into the Railroad Land Grant and the joint."

Agreed to.

Senator Weeeler moved to amend section 1, by striking out "four," and inserting "three."

Senator Cook moved the previous question.

The ayes and noes being called for, and ordered, were as follows:

Ayes—Messrs. Boyd, Chappell, Cook, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Smith, Sutherland, Tucker, Warren, Worthington—17.

Noes—Messrs. Bean, Bennett, Chase, Greulich, Simpson Walsh, Wheeler—7.

The motion prevailed, and the previous question was ordered.

The question being "shall the main question be now put,"

Which being decided in the affirmative,

The question recurred upon the amendment of Senator Wheeler striking out "four" and inserting "three."

The ayes and noes being demanded and had, were as follows:

Ayes—Messrs. Bennett, Chappell, Chase, Giles, Greulich, Kimball, Pier, Proudfit, Simpson, Sutherland, Warren, Walsh, Wheeler—13.

Noes—Messrs. Bean, Boyd, Cook, Davis, Hanchett, Joiner, McClellan, Mears, Smith, Tucker, Worthington—11.

The amendment was agreed to.

Senator Simpson moved a reconsideration of the vote just taken, by which said amendment was adopted.

The chair decided that the previous question having been ordered, the motion was not in order.

Senator Simpson appealed from the decision of the chair. The question being upon sustaining the decision of the President.

Senator Simpson by unanimous consent withdrew his motion for re consideration.

The question recurring upon the adoption of the substitute as amended.

The ayes and noes being called for and ordered, those voting in the affirmative were :

Ayes.—Messrs. Bennett, Chase, Chappell, Giles, Greulich, Kimball, Pier, Proudfit, Sutherland, Warren, Walsh, and Wheeler.—12.

Those voting in the negative were :

Noes.—Messrs. Bean, Boyd, Cook, Davis, Hanchett, Joiner, McClellan, Mears, Simpson, Smith, Tucker, and Worthington.—12.

There being a tie vote,

The President voted in the negative and the substitute was rejected.

The question being on ordering the bill to a third reading, The ayes and noes were called for and taken.

Those voting in the negative were :

Noes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, and Worthington.—24.

Senate refused to order to third reading.

Senator Chase moved,

That this bill be referred to the joint standing committee of investigation with instructions to insert the names of the clerks of that committee in the bill by an amendment.

Senator Davis proceeded to discuss the motion.

Senator Wheeler rose to a point of order, to wit.: that the Senate having refused to order to a third reading, the bill was lost, and was no longer under consideration.

The President decided the point well taken.

No. 182, S.

A bill for an act to authorize the State Superintendent to apportion money to certain school districts therein named.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were.

Messrs. Bean, Bennett, Chappell, Chase, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson, Sutherland, Tucker, Warren, Walsh, Wheeler and Worthington—22.

None voted in the negative.

Title agreed to.

Senator Mears moved to suspend the rules for the purpose of considering,

No. 429, A.

A bill for an act providing for the submission of the question to the voters of Calumet county of division of said county.

The question being on ordering to a third reading.

The ayes and noes were called for and ordered.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Cook, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Pier, Proudfit, Simpson Smith, Warren, Walsh, Worthington—17.

Those voting in the negative were :

Messrs. Chase, Davis, Giles, Sutherland, Wheeler—5.

Read the third time.

Passed.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Cook, Greulich, Hanchett, Joiner, Kimball, McClellan, Mears, Proudfit, Simpson, Smith, Walsh—14.

Those voting in the negative were :

Messrs. Bean, Chase, Davis, Giles, Pier, Sutherland, Warren, Wheeler, Worthington—9.

Title agreed to.

Senator Bean, on leave, introduced

No. 288 S.

A bill for an act to amend chapter 239 of the private and local laws of 1852, being an act to incorporate the village of Lake Mills.

Read first and second times.

On motion of Senator Bean,

Rules suspended,

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

On motion of Senator Chase,

Rules suspended.

Joint Resolution No. 35 S.

Concerning a recess of the legislature.

Taken up.

Senator Hanchett moved to make it the special order for 7 1-2 o'clock this evening.

The motion prevailed.

Senator Worthington moved to reconsider the vote by which the Senate refused to order No. 221 S., to a third reading.

The motion prevailed.

Senator Worthington moved to refer to committee on claims with instruction to report as early as possible.

Senator Kimball moved to amend by instructing committee to report to-morrow morning.

Senator Chase moved to amend the motion to refer by adding, "and that such committee report in the bill the names of the clerks employed by the committee on investigation."

Senator Kimball moved the previous question.

The previous question was not seconded,

Senator Sutherland moved to reconsider the vote by which the Senate refused to adopt the substitute reported by committee on claims.

The ayes and noes being called and had were as follows :

Ayes.—Bean, Bennett, Boyd, Davis, Giles, Greulich, Joiner, Kimball, McClellan, Pier, Smith, Sutherland, Warren, Wheeler, and Worthington.—15.

Noes.—Messrs. Chase, Mears, Proudfit, and Walsh.—4.

The motion prevailed.

Senator Chase moved,

That this bill may be referred to the joint standing investigating committee, with instructions to report the names of the clerks of that committee, by an amendment to the bill, and the amount of per diem to be allowed each clerk.

Senator Giles called for a division of the question.

Division was had.

The question being on referring.

The ayes and noes were demanded.

Those voting in the affirmative were :

Messrs. Boyd, Chase, Greulich, Kimball, Mears, Proudfit and Walsh—7.

Those voting in the negative were :

Messrs. Bennett, Davis, Giles, Joiner, McClellan, Pier, Smith, Sutherland, Warren, Wheeler and Worthington—11.

The motion was lost.

Senator Wheeler moved the adoption of the substitute.

Senator Mears moved to adjourn until 7 1-2 o'clock P. M.

Senate refused to adjourn.

Senator Mears moved a call of the Senate.

The call was not seconded.

Senator Giles moved to reconsider the vote by which the Senate adopted the amendment to section 1 of the substitute, viz: "strike out four and insert three."

Pending which,

On motion of Senator Giles.

Senate adjourned until half past seven o'clock this evening.

7 1-2 o'clock P. M.

Senate assembled.

Lieutenant Governor in the chair.

Roll of Senators called.

The absentees were,

Senators Chappell, Martin, Maxon, Schulteis, Simpson and Virgin.

SPECIAL ORDER.

Joint Resolution No. 35 S.

Resolved by the Senate, the Assembly concurring, That the two houses of this Legislature, will take a recess from Monday the 8th day of March, inst., until Wednesday, the 16th day of June next, and that the joint committee of investigation, of which Senator Worthington is chairman, and the judiciary committees of the Senate and Assembly, acting jointly upon the report of the revisors, be authorized and directed to sit during the recess, and report their doings to the Legislature at its session in June. Provided, however, that no mileage or per diem shall be certified or paid to any member or officer for travel or attendance during such recess, except to those employed upon one or more such committees.

Senator Clark moved to amend by striking out "8th day of March," and insert "5th day of April."

Senator Giles moved to amend the amendment by striking out "5th day of April," and insert "Tuesday, 23d March."

Senator Joiner offered the following as substitute.

Resolved by the Senate, the Assembly concurring, That this legislature will adjourn sine die on Monday the fifth day of April, at six o'clock A. M.

Senator Davis moved to refer resolution, amendment and substitute to select committee of five.

Senator McClellan moved to indefinitely postpone the whole subject.

Senator Davis on leave withdrew the motion to refer.

The question being on indefinite postponement.

The ayes and noes were called and ordered.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, McClellan, Mears, Pier, Proudfit, Sutherland and Warren—13.

Those voting in the negative were :

Messrs. Chase, Cook, Giles, Joiner, Smith, Tucker and Worthington—7.

The motion prevailed.

On motion of Senator Greulich,

Rules suspended.

No. 98, A., a bill for an act to incorporate the village of Penoka.

And,

No. 137, A.,

A bill for an act to incorporate the village of Springdale.

Taken from the table, and

Referred to committee on incorporations.

Senator Smith, on leave submitted the following

REPORT:

The joint committee on enrolled bills report that they have examined and compared the following bills and find the same correctly enrolled :

No. 67 S., an act to legalize the acts of the board of supervisors of the town of Brooklyn, in the county of Green.

No. 198 S., an act to authorize the treasurer of school district No. 1, in the town of Port Washington, to receive county orders in payment of school district taxes.

No. 104 A., an act to lay out a state road from Fremont, in Waupaca county, to Stexens Point, in Portage county.

No. 155 A., an act to appropriate to Samuel R. Fox the sum of money therein named, for hardware furnished the State.

No. 212 A., an act to authorize the State Superintendent to apportion to the counties of Columbia, Dane and Jackson, the sums of money therein named.

No. 378, A., an act to appropriate to J. H. Cleaves the sum of \$250.

No. 380, A., an act to appropriate to K. J. Fleischer the sum of \$182 50.

No. 437, A., an act to extend the time for the collection of taxes in the county of Marathon, for the year 1857.

No. 457, A., an act to extend the time for the collection of taxes in the town of Black Earth, county of Dane.

W. E. SMITH,
Of Senate Com.

GEO. C. SMITH,
Of Assembly Com.

BILLS INTRODUCED.

By Senator Clark.

No. 289 S.

A bill to appropriate to certain persons the sums of money therein named.

Read first and second times.

Referred to committee on claims.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On general file.

Senator Davis in the chair.

After some time spent therein,

Committee rose and reported back

No. 158 A., 344 A., 159 A., 206 A., No. 11 A.

Nos. 126 S., 82 S., 248 S.,

With recommendations to indefinitely postpone.

Nos. 114 S., 19 S., 226 S., 223 A., 192 A., 15 A., 135 A.,
123 A., 205 A., 147 A., 83 A., 187 A.

Without amendment, recommending passage.

Nos. 89 A., 80 A., and 216 S.

With recommendation to lay on the table.

Nos. 5 A., and 22 A.

With recommendations to refer to select committee of three each.

No. 178 A.

Recommending reference to committee on incorporations.

No. 74 A.

Recommending reference to committee on agriculture.

On motions of Senator Chase,

Senate adjourned.

SENATE CHAMBER,
March 17th, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro. tem., in the chair.

Roll of Senators called.

The absentees were,

Messrs. Chappell, Cook, Kingston, Martin Maxon, Proud-
fit, Schulties, Tucker and Virgin.

Journal of yesterday read and approved.

RESOLUTIONS TAKEN UP.

By Senator Boyd,

No. 92 S.

Resolved by the Senate, the Assembly concurring, That the joint judiciary committee be, and they hereby are, instructed to report the whole of the Revised Statutes, as prepared by the Revisors, immediately to the legislature for their action.

BY BOYD.

On motion of Senator Chase,

Laid on the table one day.

By Senator Giles.

No. 91, S.

Whereas, Reports are in circulation reflecting severely upon the conduct and character of Hon. William P. Chappell, a member of this Senate, which, if true, involve a breach of the privileges of the Senate, therefore,

Resolved, That Senators Bennett, Cook and Smith be, and they are hereby appointed a committee to hear and investigate such charges as may be preferred against the said Wm. Chappell. And such committee is hereby empowered and required to send for papers and persons, and examine, on oath, such witnesses as may appear or be brought before such committee, as to all matters touching such charges. The said Wm. Chappell may appear before said committee, in person, cross-examine the witnesses against him, and have witnesses sworn and testify in his behalf.

And said committee is directed to report its proceedings, together with all the evidence touching the matters under investigation, with their opinion thereon, to the Senate, at as early a day as practicable.

Senator Bennett moved to amend by striking out "Bennett."

The motion prevailed.

Senator Wheeler moved to strike out the names of all the committee, and that the Chair appoint members in their places.

The motion prevailed.

Senators Sutherland, Cook and Smith were appointed to act as such committee.

By Senator Cook,

No. 93 S.

Whereas, By a lengthy, well written article from a correspondent writing from this city, under date of the 5th inst., to the "Conservator," a well conducted Republican newspaper, published at Neenah, in the county of Winnebago, in this State, it appears that the author of said article at some time or other has, in his opinion had facilities for knowledge in regard to certain matters sought to be investigated by the joint select committee, of which the Honorable D. Worthington is chairman, which warrant him, said correspondent, in regard to said matters, among other things, in making the following statement, to-wit:

"I do not believe that those bonds had any influence upon 'his, Bashford's, official conduct in relation to the bill giving these lands to the Company. I have reason to believe that he (meaning Coles Bashford, late Governor,) signed that bill unwillingly, and as a measure of *political* expediency, at the earnest solicitation of *political* friends. I have reason to believe that the signing of that bill at *that* time was necessary to the election of Judge Potter to Congress, and the defeat of the corrupt Hadly."

Therefore,

Adopted and

Resolved by the Senate and Assembly, the Assembly concurring, That the said joint committee are specially required hereafter First, To inquire in the foundation for said correspondent's statements in relation to the said Governor's approval of the act referred to by said correspondent in his said communication, it being the act making disposition of a very large amount of land under it. And, if on inquiry they find the said opinion of said correspondent, to be founded in fact, that said committee immediately on such finding, do so report to this legislature; and that then thereafter all further investigation in relation to the disposition of said Land Grant cease, as the only object sought to be attained by "the earnest solicitation of political friends," of the late Executive in the passage and approval of the act making the grant, was "a measure of polical expediency," has unfortunately been secured. And that therefore, all other inquiry in regard to the disposition of said land grant, sink into such utter insignificance, as to render a further employment of the people's time and money, such a profligate waste of both as not to authorize their legislature further to sanction either.

Senator Sutherland moved to lay on the table.

The ayes and noes being called for and ordered,

Those voting in the affirmative were:

Ayes.—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Greulich, Joiner, McClellan, Pier, Smith, Sutherland Tucker, Warren, Wheeler, and Worthington.—16.

Those voting in the negative were:

Noes.—Chappell, Cook, Mears Proudfit, and Walsh.—5.

The motion prevailed.

Laid on the table.

RESOLUTIONS INTRODUCED.

By Senator Sutherland,

No. 94 S.,

Resolved, by the Senate the Assembly concurring, That the State Printer be requested to communicate to the Senate

whether he claims the printing and binding of the proposed edition of the Revised Statutes of this State, under his present contract for State printing, and if so, whether he will print and bind the entire edition which may be ordered by the present Legislature upon the terms of that contract.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Sutherland,

No. 290 S., a bill to appropriate the income of the University fund for the year 1858.

To general file.

By Senator Smith.

No. 291 S., a bill to amend an act entitled An act to provide

A bill for an act to amend an act entitled An act to provide for the annual appointment of a joint committee on claims.

To general file.

By Senator Worthington, (from committee on banks and banking.)

No. 292 S.

A bill for an act to amend chapter 479 of general laws of 1852, entitled An act to authorize the business of banking in the State of Wisconsin.

To general file.

By Senator Wheeler.

No. 293 S.

A bill for an act to authorize the county judge of Winnebago county to perfect records and papers in his office.

To committee on judiciary.

By Senator Clark.

No. 249 S.

A bill for an act to incorporate the Menasha and St. Croix River Rail Road Company.

To committee on railroads.

By Senator Pier, (from committee on claims,)

No. 295 S.

A bill for an act to appropriate to Bliss, Eberhard & Fester, the sum of \$1,497 04.

To general file.

COMMITTEE REPORTS.

By Senator Davis.

The committee on state affairs to whom was referred, joint resolution, No. 32, A., have considered the same, and report it back, without amendment and recommend its passage.

M. M. DAVIS, Chairman.

Report taken up.

Senator Chase moved to amend, by striking out "7" and "5," and insert "3," and "2,"

The ayes and noes being called for and ordered, were as follows:

[A]yes—Messrs. Bean, Bennett, Chase, Joiner, Pier, Simpson, Smith, Sutherland—8.

Noes—Messrs. Boyd, Chappell, Clark, Cook, Davis. Giles, Greulich, McClellan, Mears, Proudfit, Tucker, Warren, Walsh, Worthington—14.

Amendment rejected.

The Resolution was adopted.

Senators Bennett, Cook, Clark, Smith and Davis were appointed such committee.

By Senator Davis,

The joint committee for investigation, to whom was referred,

No. 12, S., to appropriate to Rob't J. Smith the sum of money therein named;

Have considered the same, and find that this bill is to pay for various articles of stationery, purchased by the Superintendent of Public Property, for the several Departments of the State Government.

The committee therefore report the bill back and recommend its passage.

M. M. DAVIS, Of Senate,

E. L. RUNNALS,

ELIJAH EASTON, Of Asm.

By Senator Davis,

The joint committee for investigation, to whom was referred the account of D. Appleton & Co., submit the following

REPORT.

This account of \$250 is for books purchased by Hon. A. C. Barry (as State Superintendent,) February 1st 1857, the purchase being made for the years '54, '55, '56, '57, and '58.

The committee find that chapter 200, of the general laws of 1850 provides that, "It shall be the duty of the State Superintendent to collect in his office such school books, apparatus, maps, and charts, as can be obtained without expense to the State, and also to purchase at an expense, not exceeding fifty, dollars a year, rare and valuable works on education, for the benefit of teachers, authors and others who may wish to consult them."

Your committee recommend that this account be disallowed for the following reasons:

1. The Superintendent was not authorized to purchase books for his office, at an expense to the State, to exceed \$50 in any one year.

2. Your committee find on examination, that on the 5th of October 1854, the Superintendent purchased, and he paid for \$67 38 worth of books for his office.

3. The Superintendent was not authorized to purchase books in 1857, for the year 1858.

4. Although this purchase of books was made in February 1857, they have never been deposited in the Superintendent's office.

5. After consultation with the present Superintendent your committee are unanimously of the opinion that this list of books does not contain any "rare and valuable works," or works "on education" such as was contemplated by the Statutes of 1850.

6. Upon careful inquiry your committee are satisfied that these books have been purchased at retail price, or at from

twenty to thirty-three per cent. higher than they are usually purchased at wholesale.

M. M. DAVIS,

Of the Senate.

E. L. RUNNALS,

ELIJAH EASTON,

Of the Assembly.

Report taken up.

Concurred in.

Account disallowed.

Senator Sutherland moved that the Superintendent of Public Instruction be requested to inform Messrs. D. Appleton & Co., that the State refuses to pay their bill, on the ground that Mr. Barry transcended his authority in purchasing the same, and that the books are now subject to their order.

The motion prevailed.

By Senator Pier.

The committee on claims, to whom was referred

No. 194 S., to appropriate certain sum of money to the Institute for the education of the deaf and dumb.

And,

No. 196 S., to appropriate to the Wisconsin Institute, for the education of the blind, certain sums of money therein named.

Have directed me to report the same back to the Senate, without any recommendation.

No. 192 S., to appropriate to John Lowth, the sum of \$72,-90, is reported back with an amendment, and its passage recommended, when so amended.

The memorial of W. B. Walton, for the purchase of the map now on exhibition in the Senate Chamber, is reported back with the recommendation that the prayer of the petitioner be not granted. The committee do not feel authorized to purchase a map for the use of the Senate, without some expression of opinion of that body in its favor.

I am also directed to report back the account of Bliss, Eb-

erhard & Festner, by bill No. 295 S., to appropriate to Bliss, Ederhard & Festner, the sum of \$1,479 04., and recommend its passage.

E. PIER,
Chairman.

By Senator Warren.

The joint committee on enrolled bills report that they have examined and compared the following bills and find the same correctly enrolled.

No. 6 A., an act to incorporate the North Western Turnpike Road Company.

No 23 A., an act to appropriate to Thomas J. Otis, the sum of three hundred and twenty-three dollars.

No. 33 A., an act to incorporate the city of Ripon.

No. 81 A., an act to incorporate the Half Moon Lake Canal Company.

No. 92 S., an act to legalize certain taxes therein named.

No. 167 A., an act to amend an act entitled An act to incorporate the city of Hudson, approved March 1st, 1857.

No. 217 S., an act for the apportionment of school money to school district No. 8 in the town of Greenfield, in Milwaukee county.

No, 246 A., an act to provide for the payment of the clerk of the revisors.

J. H. WARREN,
Of Senate Com.
GEO. O. SMITH,
Of Assem. Com.

Also,

No. 287 A. a bill to provide for paying the clerks of the joint standing committee on investigation and judiciary.

By Senator Sutherland.

The committee on education, school and university lands, report

No. 244 S., an act to incorporate the Columbia University.

No. 2 20A., a bill for an act to incorporate the Sparta Academy.

No. 138 A., a bill for an act to incorporate the Literary Association of Prairie du Chien, without amendment, and recommend that they be laid on the table, as the objects therein sought can be accomplished under general laws.

They also report,

No. 262 S., a bill for an act to amend an act entitled An act to incorporate school district No. 1 in the town of Geneva, Walworth county, approved March 9th, 1857.

No. 204 A., a bill for an act to amend an act entitled An act to incorporate "Lawrence Institution" of Wisconsin, Without amendment, and recommend their passage.

J. S. SUTHERLAND,

Chairman.

By Senator Chase.

The judiciary committee report back bills,

Nos. 128 S., to detach the county of Winnebago from the fourth and attach it to the tenth judicial circuit. 256 S., for act to authorize the trustees of the village of Waupun to levy a special tax,

And recommend their passage.

Also,

No. 60 S., a bill to amend an act entitled an act to amend chapter 19 of the revised statutes, and to compile the school laws of Wisconsin, and recommend that it be referred to the committee on education, school and university lands.

C. S. CHASE, Chairman.

Report taken up.

No. 60 S.

Referred to committee on education, school and university lands.

By Senator Smith,

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval the following bills:

No. 65 A., an act to authorize Thomas Douglas to construct a bridge across Black river, in the county of Jackson.

No. 73 A., an act to incorporate the sisters of charity of Saint Josephs, of the city of Milwaukee.

No. 218 A., an act to authorize the laying out of a state road from the mouth of Oconto river, Oconto county, to Wausau, Marathon county.

No. 264 A., an act to appropriate to Wood R. Beach the sum of thirty-two dollars.

No. 352 A., an act to provide for a survey of the city of Appleton, and the record thereof.

No. 439 A., an act to amend an act entitled "an act to extend the time for the payment of the interest due the swamp land and school fund of this State," approved March 6, 1858.

No. 441 A., an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, Waupaca and Pepin.

No. 67 S., an act to legalize the acts of the board of supervisors of the town of Brooklyn, in the county of Green.

No. 198 S., an act to authorize the treasurer of school district No. 1, in the town of Port Washington, to receive county orders in payment of school district taxes.

No. 104 A., an act to lay out a state road from Fremont, in Waupaca county, to Stevens Point, in Portage county.

No. 155 A., an act to appropriate to Samuel R. Fox the sum of money therein named, for hardware furnished the State.

No. 212 A., an act to authorize the State Superintendent to apportion to the counties of Columbia, Dane, and Jackson, the sum of money therein named.

No. 378 A., an act to appropriate to J. H. Cleaves the sum of twenty-five dollars.

No. 380 A., an act to appropriate to K. J. Fleischer the sum of \$182 50.

No. 437 A., an act to extend the time for the collection of taxes in the county of Marathon for the year 1857.

No. 457 A., an act to extend the time for the collection of taxes in the town of Black Earth, county of Dane.

WM. E. SMITH,
Of Sen. Com.

GEO. C. SMITH,
Of Ass. Com.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to present for your signature,

No. 217 S., an act for the apportionment of school money to school district No. eight, in the town of Greenfield, Milwaukee county.

No. 23 A., an act to appropriate to Thomas J. Otis the sum of three hundred and twenty-three dollars.

No. 92 S., an act to legalize certain taxes therein named.

No. 6 A., an act to incorporate the Northwestern Turnpike Road Company.

No. 287 A., an act to provide for the payment of the clerks of the joint committees of the judiciary and claims.

No. 246 A., an act to provide for the payment of the clerks of the revisors.

No. 176 A., an act to amend an act entitled An act to incorporate the city of Hudson, approved March 6th, 1857.

No. 81 A., an act to incorporate the Half Moon Lake Company.

No. 33 A., An act to incorporate the city of Ripon.

Which have severally been signed by the Speaker.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed,

No. 428, A., an act to amend chapter 132, of the private and local laws of 1857, entitled an act to incorporate the city of Appleton;

No. 444, A., a bill for an act to require Monroe Palmer to construct a chute in a certain mill dam;

No. 435, A., a bill for an act to amend an act approved March 25th, 1854, entitled an act to incorporate the Western Wisconsin Mining Co.;

No. 390, A., a bill for an act to authorize Fayette Allen and D. C. Topping to keep and maintain a ferry across the Chippewa river;

No. 353, A., a bill for an act to vacate a certain street in the village of Lower Falls, in Jackson Co.;

No. 404, A., a bill for an act to amend chapter 52, of the session laws of 1857, entitled an act to authorize the collection of agricultural and manufacturing statistics;

No. 87, A., a bill for an act relating to executions in certain cases.

No. 304, A., a bill for an act to authorize the trustees of the Wauwatosa Cemetary Association, of the town of Wauwatosa, to remove certain dead bodies;

No. 330, A., a bill for an act to provide for laying out a state road from the village of Pine River, in Waushara county, to the village of Weyauwega, in Waupaca Co.;

No. 372, A., a bill for an act declaratory of the rights of defense of Mortgagors in certain cases;

No. 387, A., a bill for an act to legalize the acts of agents appointed by the county board of supervisors of Green Co.;

No. 386, A., a bill for an act concerning suits by and against the American Express Co.;

No. 150, A., an act to authorize the city of Oshkosh to aid in the construction of a railroad;

No. 384, A., a bill for an act to amend chapter 344, of the private and local laws of the year A. D., 1856, entitled an act to incorporate the village of Delavan;

No. 250, A., a bill for an act to incorporate the village of Two Rivers, in the county of Manitowoc;

In which the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed to inform you that the Assembly have concurred in the Senate amendments to

No. 287 A., a bill for an act to provide for the payment of the clerks of the joint committees of the judiciary and claims.

The Assembly has also passed,

No. 376 A., a bill for an act to appropriate to Muldoon & Crampton the sum of \$10 13.

No. 377 A., a bill for an act to appropriate to Alvah Nash the sum of \$25 00.

No. 420 A., a bill for an act to appropriate to H. G. Dodge the sum of \$11 25.

No. 156 A., a bill for an act to appropriate to Mathias Wick the sum of money therein named, for labor in and about the capital.

No. 406 A., a bill for an act to appropriate to Messrs. Colwell & Co. the sum therein named.

No. 421 A., a bill for an act to appropriate to E. N. Gardiner the sum of 47 00.

No. 476 A., a bill for an act to appropriate to Orton, Hopkins, & Firmin the sum of \$25 00.

No. 479 A., a bill for an act to appropriate to J. C. Squires the sum of \$16 50.

No. 478 A., a bill for an act to appropriate to Ellen Haley the sum of \$12 50.

No. 482 A., an act to amend chapter 261, of the private and local laws of 1855, entitled an act to incorporate the Outagamie marine, fire and life insurance company.

No. 58 A., a bill for an act to establish a rule of evidence in certain cases.

Mem. No. 131 A., a memorial to Congress to establish a mail route from Edgerton, in the county of Rock, to Waterloo in the county of Jefferson.

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of,

No. 171 S., a bill for an act to authorize the laying out of a state road therein named.

No. 54 S., a bill for an act to legalize the assessment and assessment roll of the city of La Crosse.

No. 38 S., an act to change the time for holding circuit courts in the county of Adams, and to fix the time for holding the same in the county of Juneau.

No. 89 S., a bill for the relief of the First Congregational society in the town of Magnolia, in the county of Rock.

No. 191 S., a bill for an act to allow the city and town of Beloit to levy a tax for certain purposes therein named.

No. 140 S., a bill for an act to authorize the laying out and establishing a state road therein named.

No. 168 S., a bill for an act to authorize the laying out of a state road therein named.

No. 157 S., a bill for an act to repeal charter 367 of the private and local laws of the year 1857, entitled an act to amend an act entitled an act to incorporate the village of Port Washington.

No. 173 S., a bill for an act to appropriate to A. L. Slye the sum of \$407 50.

No. 160 S., a bill to appropriate to Tibbits & Gordon the sum of money therein named.

No. 169 S., a bill for an act to appropriate to Andrew Bishop the sum of \$436.

No. 186 S., a bill for an act to appropriate to J. D. Welch the sum of \$87 50.

No. 202 S., a bill for an act to appropriate to Joseph Shantz the sum of \$25.

No. 203 S., a bill for an act to appropriate to Nathaniel Waterbury the sum of \$38 40.

No. 204 S., a bill for an act to appropriate to J. C. Lewis the sum of \$38 40.

Without amendment.

The Assembly has also concurred in the passage of No. 159, S.

A bill to appropriate to the Trustees of the Baptist Society, of Madison, the sum of money therein named.

No. 48, S.

A bill to incorporate the city of Superior.

No. 16, S.

A to bill cede the jurisdiction of the State of Wisconsin over certain lands of the United States.

No. 115, S.

An act to appropriate to John C. Bunner the sum of \$300.

And,

Joint Resolution No. 40, S.

Concerning the admission of Minnesota into the Union.

With amendments, in which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of,

No. 223 S., a bill for an act to compel the State Treasurer to pay over to the Co. Treasurer of Portage county the school fund apportioned to said county for the years 1857 and 1858.

No. 8 S., a bill to amend chapter 48 of session laws of 1856, in relation to lumber drifted on lands.

No. 105 S., a bill for an act to incorporate the Chippewa Falls bridge company.

No. 145 S., an act to legalize the records of the office of register of deeds in the county of Waupaca.

No. 153 S., an act to amend section one of chapter 264 of the private and local laws of 1857, entitled "an act to incorporate the cillage of Waupaca."

No. 263 S., a bill for an act to amend chapter 115 of the session laws of 1856, entitled an act provide for the annual examination of the accounts of certain State officers.

Mem. No. 17 S., memorial to congress for a mail route from La Crosse, La Crosse county, to Prescott, in Pierce county.

No. 194 S., a bill for an act to repeal section 7, of chapter 99, of the general laws of 1857, entitled, "an act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing," approved April 19, 1857.

No. 199 S., a bill for an act to legalize the acts of certain officers in the county of Juneau.

Without amendment.

MR. PRESIDENT ;

I am directed to present to you for your signature the following bills and memorials.

No. 65 A., an act to authorize Thomas Douglas to construct a bridge across Black river, in the county of Jackson.

No. 73 A., an act to incorporate the sisters of charity of Saint Josephs, of the city of Milwaukee.

No. 218 A., an act to authorize the laying out of a State road from the mouth of Oconto river, Oconto county, to Wausau, Marathon county.

No. 236 A., an act to amend chapter 30 of the private and local laws of 1857, being an act to authorize the laying out and establishing a State road from Dunleith, on the Illinois State line to Boscobel, in the county of Grant.

No. 264 A., an act to appropriate to Wood R. Beach the sum of thirty-two dollars.

No. 352 A., an act to provide for a survey of the city of Appleton, and the record thereof.

No. 439 A., an act to amend an act entitled "an act to extend the time for the payment of the interest due the swamp land and school fund of this State," approved March 6th, 1858.

No. 441 A., an act to extend the time for the collection of taxes in the counties of Dunn, Polk, Chippewa, Eau Claire, Waupaca and Pepin.

No. 67 S., an act to legalize the acts of the board of supervisors of the town of Brooklyn, in the county of Green.

No. 198 S., an act to authorize the treasurer of school district No. 1, in the town of Port Washington, to receive county order in payment of school district taxes.

No. 104 A., an act to lay out a State road from Fremont, in Waupaca county, to Stevens Point, in Portage county.

No. 155 A., an act to appropriate to Samuel R. Fox the sum of money therein named, for hardware furnished the State.

No. 212 A., an act to authorize the State Surerintendent to apportion to the counties of Columbia, Dane, and Jackson, the sums of money therein named.

No. 378 A., an act to appropriate J. H. Cleaves the sum of \$25.

No. 380 A., an act to appropriate to K. J. Fleischer the sum of \$182 50.

No. 437 A., an act to extend the time for the collection of taxes in the county of Marathon for the year 1857.

No. 457 A., an act to extend the time for the collection of taxes in the town of Black Earth, county of Dane.

Which have been signed by the Speaker.

Message taken up.

J. R., No. 40, S., concerning the admission of Minnesota into the Union.

The question being on concurring in the amendments of the Assembly.

The ayes and noes were called for and had,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren and Worthington—21.

None voting in the negative.

The amendments were concurred in.

No. 159, S., a bill to appropriate a certain sum of money to the Trustees of the Baptist Society, of the city of Madison.

The question being on concurring in the amendment of the Assembly.

The ayes and noes were demanded.

Those voting in the affirmative were:

Messrs. Joiner, McClellan, Pier, Warren—4.

Those voting in the negative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, and Worthington.—17.

Senate refused to concur.

No. 48 S.

A bill for an act to incorporate the city of Superior.

Amendments of Assembly concurred in.

READ FIRST AND SECOND TIMES, AND REFERRED.

No. 250 A.

A bill for an act to incorporate the village of Two Rivers in the county of Manitowoc.

No. 384 A.

A bill for an act to amend chapter 344 of the private and local laws of the year A. D. 1856, entitled An act to incorporate the village of Delavan.

No. 435 A.

A bill for an act to amend an act approved March 25th, 1854, entitled "an act to incorporate the Western Wisconsin Mining Company.

No. 428 A.

An act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

No. 482 A.

A bill for an act to amend chapter 261 of the private and local laws of 1853, entitled an act to incorporate the Outagamie Fire and Life Insurance Company.

To Committee on Incorporations.

♦ No. 150, A.

An act to authorize the city of Oshkosh to aid in the construction of a Railroad, and,

No. 372, A.

A bill for an act declairing the right of mortgagors in certain cases.

To Committee on Railroads.

No. 390, A.

A bill for an act to authorize Fayette Allen and D. C. Topping to keep and maintain a Ferry across the Chippewa River.

No. 330, A.

A bill for an act to provide for laying out a State road from the village of Pine River, Waushara county, to the village of Weyauwega, in Waupaca county.

To Committee on roads, bridges and ferries.

No. 87 A, and 58 A,

To committee on judiciary.

No. 404 A,

To committee on agriculture.

No. 444 A., a bill for an act to require Monroe Palmer to construct a chute in a certain Mill Dam.

No. 387 A., a bill for an act to legalize the acts of agents appointed, of county board of supervisors of Green county.

No. 376 A., a bill for an act to appropriate to Muldoon & Crampton the sum of \$10 13.

No. 377 A., a bill for an act to appropriate to Alvah Nash the sum of \$25.

No. 420 A., a bill for an act to appropriate to H. G. Dodge the sum of \$11 25.

No. 421 A., a bill for an act to appropriate to E. N. Gardiner the sum of \$47.

No. 156 A., a bill for an act to appropriate to Mathias Wick the sum of money therein named, for labor in and about the capital.

No. 406 A., a bill for an act to appropriate to Messrs. Colwell & Co. the sum therein named.

No. 476 A., a bill for an act to appropriate to Orton, Hopkins & Firmin the sum of \$25.

No. 478 A., a bill for an act to appropriate to Ellen Haley the sum \$12 50.

No. 479 A., a bill for an act to appropriate to J. C. Squires the sum of \$16 50.

And,

Mem. No. 131 A., a memorial to Congress to establish a mail route from Edgerton, in the county of Rock, to Waterloo, in the county of Jefferson.

To general file.

No. 353 A.

A bill for an act to vacate a certain street in the village of Lower Falls, in Jackson county.

Was laid on the table.

No. 16 S.

A bill to cede the jurisdiction of the State of Wisconsin over certain lands of the United States.

Amendments of Assembly concurred in.

BILLS ON THIRD READING.

No. 221 S.

A bill to provide for the payment of the expenses of the joint committee of investigation.

The question being on the motion pending at the time of adjournment yesterday, to wit: to re-consider the vote by which the amendment to the substitute, inserting "three in the place of "four,"

Was adopted.

The ayes and noes being demanded were as follows:

Ayes—Messrs. Boyd, Chappell, Cook, Davis, Giles, Joiner, McClellan, Mears, Simpson, Smith, Tucker, Worthington—12.

Noes—Messrs. Bean, Bennett, Chase, Greulich, Kimball, Pier, Proudfit, Sutherland, Walsh—9.

The motion prevailed.

The question being on the adoption of the substitute.

Senator Greulich moved to commit to the joint committee on investigation, with instruction to insert the names of the clerks employed by them.

Senator Chase moved to amend, by inserting "five" in the place of "four."

Senator Davis moved the previous question.

The ayes and noes being called for and ordered, were as follows:

Ayes.—Messrs. Boyd, Clark, Cook, Davis, Giles, Joiner, McClellan, Mears, Smith, Sutherland, Warren, Worthington—12.

Noes.—Messrs. Bennett, Chappell, Chase, Greulich, Kimball, Pier, Proudfit, Simpson, Tucker, Walsh, Wheeler.—11.

The motion prevailed.

And the previous question was ordered.

The question being,

"Shall the main question be now put?"

Which being decided affirmatively,

The question occurred upon the motion of Senator Greulich to committee.

The ayes and noes were demanded,

And were as follows :

Ayes.—Messrs. Chappell, Chase, Greulich, Kimball, Simpson, Walsh, Wheeler.—7.

Noes.—Messrs. Bennett, Boyd, Clark, Cook, Davis, Giles, Joiner, McClellan, Mears, Pier, Proudfit Smith, Sutherland, Tucker, Warren and Worthington.—16.

Not agreed to.

The question being upon the amendment of Senator Chase,

The ayes and noes were called for and had.

Those voting in the affirmative were :

Ayes—Messrs. Chase, Davis, and McClellan.—3.

Those voting in the negative were :

Noes.—Messrs. Bennett, Boyd Chappell, Clark, Cook, Giles, Greulich, Joiner, Kimball, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, and Worthington.—20.

The amendment was rejected.

The question recurring upon the adoption of the substitute,

The ayes and noes were demanded and taken.

Those voting in the affirmative were :

Ayes—Messrs. Boyd, Chappell, Clark, Cook, Davis, Giles, Joiner, Kimball, McClellan, Mears, Pier, Simpson, Smith, Sutherland, Tucker, Warren, Wheeler, and Worthington.—18.

Those voting in the negative were :

Noes.—Messrs. Bennett, Chase, Greulich, Proudfit, and Walsh.—5.

The substitute was adopted.

Ordered engrossed and read a third time.

BILLS REPORTED BY COMMITTEE OF THE WHOLE, INDEFINITELY
POSTPONED.

No. 158, A.

A bill to appropriate to John Furlong & Son a sum of money.

No. 159, A.

A bill to appropriate to W. S. Wells & Co., a sum of money.

No. 11, A.

A bill to appropriate to Haney & DeBow the sum of money therein named.

No. 126, S.

A bill to vacate part of a street in the village of Delavan.

No. 82, S.

A bill to appropriate to H. Friend & Bros. a sum of money.

No. 206, A.

A bill to pay John Dahlman & Co. a sum of money.

LAI'D ON THE TABLE.

No. 344, A.

A bill for an act to extend the time for collecting taxes in the town of Black Earth in the county of Dane.

No. 80 A., a bill for an act to change the name of the village of Boston to that of Northport.

No. 89 A., a bill for an act to incorporate the Badger iron works company.

No. 248 S., a bill for an act to incorporate the Wisconsin State insurance company.

No. 248 S., a bill to incorporate the northern transit company.

REFERRED.

No. 216 S., a bill for an act to incorporate St. John's Hall.
To Senator Worthington.

No. 74 S., a bill for an act to repeal chapter 102 of the laws of 1857, entitled "an act to fix the salaries of the Judges of the circuit courts."

To committee on agriculture.

No. 22 A., a bill for an act to repeal chapter 219 of the private and local laws of 1857.

To select committee consisting of Senators Simpson, Joiner, and Tucker.

No. 5 A., a bill for an act to authorize the county of Sheboygan to loan its credit to purchase a Poor farm, and erect county buildings thereon.

To select committee consisting of Senators Cook, Clark and Warren.

ORDERED ENGROSSED AND READ THIRD TIME.

For 19 S., an act to change the time of holding the terms of circuit court in the county of Portage.

No. 115 S., an act to appropriate to John C. Bunner, the sum of three hundred dollars.

No. 114 S., a bill to appropriate to the Madison Gas Light and Coke Co., \$499.

ORDERED TO THIRD READING.

No. 93 A., a bill for an act to amend the charter of the city of Beaver Dam.

No. 187 A., a bill for an act to amend Section 1 of chapter 221 of the local laws of 1857, entitled "an act to amend section 1 of chapter 366 of local laws of 1855."

No. 83 A., a bill for an act to appoint commissioners to lay out State road from Omro, Richland Co., to Sparta, in Monroe county.

No. 147 A., a bill for an act to authorize the laying out and establishing a State road from the village of Marksaw in the county of Marquette to the town of Courtland in Columbia county.

No. 205 A., a bill for an act to lay out a State road from New London in Waupaca county to Peterson's Mills in Shawano Co.

No. 123 A., a bill for an act entitled "an act in relation to state roads."

No. 135 A., a bill for an act to lay out a state road from Welaunee, in Winnebago county, to Stevens Point, in Portage county.

No. 15 A., a bill for an act to lay out a state road in Monroe, Jackson and Clark counties.

No. 192 A., A bill to pay J. D. Welch a sum of money.

And,

No. 223 A., a bill for an act for the relief of school district No. 1, in Half Moon Lake township.

Senator Bennett, on leave, submitted the following

REPORT:

The select committee to whom was referred Assembly bill No. 79, entitled "a bill for an act to incorporate the Milton Institute," has had the same under consideration, and beg leave to submit the following

REPORT:

Your committee readily concedes that the policy of not granting special acts of incorporation, where the object can be attained by general laws, is not only sound and wholesome, but is in accordance with the general spirit and intent of the eleventh article of the constitution of the State.

But, the phraseology of section one of the aforesaid article of the constitution, renders it evident that the framers of that instrument foresaw that cases might arise in which it would be proper for the legislature to grant special acts of incorporation; hence, they carefully provide that they may pass such special acts in those cases where, "in the judgment of the legislature, the objects of the corporation cannot be attained under general laws."

Your committee is of the opinion that the bill to incorporate the Milton Institute may be one of those whose object will not be attained under a general law, for the following reasons:

Your committee finds that nearly three thousand dollars were subscribed, during the past summer, for the purpose of

purchasing a "site and erecting buildings for the use of said institute, conditioned that an act be procured from the legislature similar to the one now before the Senate, which bill was appended to said subscription list, and thereby made a conditional part thereof.

It may be said that, as the constitution provided for such enactments by general laws, they had no right to assume that they would be able to obtain a special act of incorporation. To which your committee would reply, that, as the legislature had for years freely granted such applications when made, the people of that community had a right to suppose that they would be treated as others had been, and consequently made their subscriptions in good faith at the time, and should not now be allowed to evade any liabilities which they voluntarily took upon themselves, in the month of May, 1857, several months before it was known, or even suspected, that the legislature would refuse to grant such special acts of incorporation.

Your committee is therefore of the opinion that this is one of that class of cases in which it may become the duty of the legislature to grant a charter by special enactment, and would recommend the passage of said bill, with the accompanying amendment.

A. J. BENNETT,
Chairman select committee.

Senator Bennett asked unanimous consent to withdraw his amendment,

Which was granted.

Senator Cook offered the following amendment:

Amend the title so as to read,

For the purpose of securing means subscribed to Establish Milton Institute, in the County of Rock.

Senator Simpson offered the following amendment:

Incorporate as Sec. 11.

It is hereby declared that in the judgment of the Legisla-

ture of this State, that the object of the corporation named in this act, cannot be attained under or by general laws.

Upon the adoption of the amendment,

The ayes and noes called for and ordered.

Those voting in the affirmative were Messrs. Bean, Bennett, Boyd, Clark, Joiner, Proudfit, Simpson, Sutherland, Warren.—9.

Those voting in the negative were Messrs. Cook, Davis, Giles, Kimball, McClellen, Mears, Pier, Smith, Tucker, Walsh, Wheeler and Worthington.—12.

The amendment was rejected.

Senator Kimball offered the following amendment :

Whereas, certain persons have subscribed sundry sums of money for the purpose of establishing an academy in the Village of Milton.

And,

Whereas, said subscriptions were severally obtained with the understanding that the present Legislature should grant a special charter, incorporating said academy.

And,

Whereas, said subscription will not be paid unless the Legislature grant said charter, therefore for the purpose of collecting said subscription.

Be it enacted, &c., &c.

Senator Bennett moved to amend by striking out “paid,” and inserting “collectable.”

Senator Wheeler moved that the Senate adjourn.

Senator Tucker asked leave to introduce two resolutions.

Motion to adjourn withdrawn.

Senator Tucker on leave introduced.

Resolution No. 95 S.

Resolved by the Senate the Assembly concurring, That the Superintendent of Public Instruction, be, and he is hereby authorized and directed to deliver to the Mayor of the city of La Crosse, or on his order, five copies of Webster's Unabridged Dictionary, for schools in said city. The same to

be distributed as follows: For the use of the schools in the first ward of said city, two copies, and for the use of schools in the second ward, three copies.

Also,

No. 96 S.

Resolved, by the Senate, That the judiciary committee be and they are hereby instructed and required to report back to the Senate, at their earliest convenience, the bill introduced in the Senate, for "an act to authorize the redemption of lands sold under foreclosure of mortgage by order or decree of courts.

Senator Wheeler moved to adjourn.

The ayes and noes being called for and ordered were as follows:

Ayes—Messrs. Bennett, Cook, Kimball, Mears, Simpson, Tucker, Walsh, Wheeler, Worthington—9.

Noes—Messrs. Bean, Boyd, Clark, Davis, Giles, Greulich, Joiner, McClellan, Pier, Proudfit, Smith, Sutherland, Warren—13.

Senate refused to adjourn.

On motion of Senator Davis,

Senate adjourned until half past seven o'clock this evening.

7 1-2 O'clock, P. M.

Senate assembled.

Lieutenant Governor in the chair.

Roll of Senators called.

Absentees—Senators Chappell, Hanchett, Kimball, Kingston, Martin, Schulteis, Simpson and Virgin.

Senator Giles, on leave, presented the account of H. C. Bull against the State.

BILLS INTRODUCED.

By Senator Pier, (from Committee on Claims.)

No. 296, S.

A bill to appropriate to Amasa Cobb, \$61 50.

Read first and second times.

Referred to general file.

By Senator Clark.

No. 297, S.

A bill for an act to amend the charter of the village of Manitowoc.

Read first and second times.

Referred to Committee on Incorporations.

By Senator Davis.

No. 298, S.

A bill for an act to repeal chapter 200 of the general laws of 1850, entitled "an act defining the duties of the State Superintendent.

Read first and second times.

Referred to committee on education, school and university lands.

By Senator Bennett,

No. 299 S., a bill for an act to amend an act entitled an act to incorporate the city of Beloit, approved March 31st, 1856.

Read first and second times.

On motion Senator Bennett,

Rules suspended, and

Nos. 296 S, and 299 S.

Taken up and considered.

No. 296 S.

Ordered to third reading.

Read the third reading.

Passed.

The ayes and noes being required,

Those voting in the affirmative were.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington—23.

None voting in the negative.

Title agreed to.

No. 299 S.,

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required,

Those voting in the affirmative were :

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, and Worthington.—23.

Title agreed to.

COMMITTEE REPORTS.

By Senator Cook,

The select committee to whom was referred bill No. 5 A., being a bill for an act to authorize the county of Sheboygan to loan its credit to purchase a Poor Farm, and erect buildings thereon, have had the same under consideration, and instructed me, as their chairman, to report said bill back to the Senate, with the following amendments, to wit: Amend Section 10 by inserting in the said section, after the word, "annual," the following words, to wit: "Charter election in the city of Sheboygan." And also by adding the letter "S," at the end of the word "meeting," were it occurs in said Section 10.

E. FOX COOK,

Chairman.

By Senator Warner,

Committee on engrossed bills report correctly engrossed, Bills No. 221, 19, 114, and 226 S.

J. H. WARREN.

By Senator Pier,

The joint committee on claims to whom was referred the account of Amasa Cobb, have had the same under consideration, and instructed me to report the same back to the Senate by bill, and recommend its passage.

E. PIER, Ch'n.

By Senator Wheeler,

The committee on Railroads report back bills,

No. 150 A., a bill for an act to authorize the city of Oshkosh to aid in the construction of a railroad.

No. 272 S., a bill for an act to amend Chapter 6 of Revised Statutes, Also,

No. 216 A., a bill for an act to repeal a part of chapter 322 of the Session laws of 1857.

Without amendment and recommend their passage.

The committee also report back,

No. 240 S., A bill for an act to provide for running connections between railroad companies,

And,

No. 294 S., a bill for an act to incorporate the Menasha and St. Croix Railroad company.

With amendments, and as amendend recommend their passage.

Also,

No. 372 A., a bill for an act declaratory of the rights of defence of mortgagors in certain cases.

And recommend that it be referred to the committee on judiciary.

Also,

Joint Resolution No. 34 S., relating to the location of the N. E. Land Grant Railroad.

And recommend that its further consideration be indefinitely postponed.

EDWIN WHEELER, Chairman.

Joint Resolution, No. 34, S.,

Indefinitely postponed.

Senator Davis presented the following communication, from Ex-Gov. Coles Bashford:

TO THE LEGISLATURE :—

I herewith transmit a detailed statement of the disbursement of the contingent fund of 1857, together with an account of all other funds which came to my hands while Governor or the State.

March 17th, 1858.

COLES BASHFORD.

COLES BASHFORD TO THE STATE OF WISCONSIN DR.

To the Contingent Fund of 1857,	-	-	\$10,000 00
To cash received of James Halpins, appropriated for stationery,	4,236	62	
To balance due contingent fund of 1856,	-	-	25 62

Total, - - - - - \$14,262 24

STATE OF WISCONSIN TO COLES BASHFORD DR.

1857.

By amount paid H. C. Bull & Co., for lumber,	-	-	\$179 57
S. E. Pierson, as State carpenter,	-	-	150 00
W. H. Miller, laborer about the Capitol,	-	-	139 00
Peter Coyne, " " " "	-	-	165 00
Mat Wicks, " " " "	-	-	165 00
V. W. Roth, services as military store-keeper and clerk in the Executive Department, from May 1st, 1856 to January 1st, 1857,	-	-	400 00
H. C. Bull & Co., for lumber,	-	-	77 30
John Kean, laborer about the Capitol,	-	-	76 25
Wm. Fitzpatrick, " " " "	-	-	76 25
B. F. Hopkins, expenses to Milwaukee and back on bus- iness for the State,	-	-	25 00
B. U. Caswell, labor on swamp land patents,	-	-	25 00
B. Domiskche, for advertising,	-	-	20 00
John Lee, labor about the Capitol,	-	-	45 00
B. U. Caswell, labor on swamp land patents,	-	-	150 00
V. W. Roth, " " " "	-	-	200 00
W. E. Jones, for labor upon plats of State lands,	-	-	40 00
Orton, Hopkins & Firmin, for drawing contracts for building State Capitol,	-	-	25 00
American Express Company's bill,	-	-	81 80
" " " "	-	-	21 47
F. P. Fuchs, for advertising building Capitol,	-	-	20 00
D. Lee, laborer about the Capitol,	-	-	55 00
B. Domiskche, bill for printing,	-	-	10 00
M. Ticks, laborer about the Capitol,	-	-	45 00
John A. Bryan, Register of the land office,	-	-	10 00
S. E. Pierson, services as carpenter,	-	-	70 00
W. W. Brown, expenses as agent of this State in regard to the 5 per cent. fund,	-	-	200 00
Telegraph bill,	-	-	2 00
James Lee, laborer about the Capitol,	-	-	57 50

American Express Company bill,	9 50
Patrick J. Hannah, assistance about the Capitol,	50 00
Bill Holton's despatch,	2 00
Mat Sperheim, laborer about the Capitol,	38 00
Jos. Griffin, for labor and materials furnished the State,	45 00
John Kean, laborer about the Capitol,	37 50
Telegraph Company's bill,	4 27
Wm. Fitzpatrick, laborer about the Capitol,	85 00
A. Wellington Hart, bill of printing,	10 00
N. W. Dean, bill for wood,	100 00
Colwell & Co., for glass,	8 75
Rufus King & Co., for printing,	10 00
Wm. E. Cramer, " " "	10 00
American Express Company's bill,	1 75
Telegraph bill,	18 78
J. Hardy's bill of hardware,	16 00
Mat Wicks, laborer about the Capitol,	12 00
John Mathews, " " "	12 00
Wm. Fitzpatrick, " " "	12 00
G. Dutcher, livery bill for subpoenaing witnesses,	12 00
John Leonard, laborer about the Capitol,	12 00
Frank Smith, " " "	12 00
Charles Myers, " " "	12 00
Wm. H. Miller, " " "	12 00
S. M. Booth, publishing notice of architects,	10 00
Simeon Dean, services as clerk,	50 00
B. Judkins, carpenter work at Capitol,	12 50
Martin Paxton, laborer about the Capitol,	12 00
Jas. H. Fox, Register, recording swamp lands,	8 00
John Kean, laborer about the Capitol,	12 00
Jas. Quinn, " " "	12 00
Wm. Fitzpatrick, laborer about the Capitol,	115 00
Mat. Wicks, " " "	138 00
Peter Coyne " " "	115 00
Wm. H. Miller " " "	115 00
John Keane " " "	115 00
B. F. Hopkins, expenses to Washington,	300 00
Telegraph bill,	12 88
S. E. Pearson, carpenter about Capitol,	100 00
Finney & Davis, publishers Oshkosh Democrat,	35 60
S. E. Pearson, carpenter about Capitol,	150 00
Wm. M. Dennis, Bank Comptroller,	72 00

Milwaukee & Mississippi R. R., freight bill -	3 54
M. T. Baily, costs in Jansen's suit -	89 54
M. T. Bailey, " " " -	58 76
Jos. Keyes as ass't Sup't of Public Property -	361 00
Orton, Hopkins & Firmin, for drawing up Geological Commission papers -	25 00
A. Winter & Co, for publishing adv't in the Volksblatt -	20 00
V. W. Roth, expenses &c. to Milwaukee -	22 50
Alex. Spaulding for services at Washington -	300 00
Joseph Keyes, ass't Sup't of Public Property -	100 00
Joseph Keyes, for laborers and for articles for State -	90 00
Joseph Keyes ass't Sup't of Public Property -	150 00
Joseph Keyes " " " " " -	108 00
Donnell & Kutzbock for drawing plan of Capitol -	350 00
B. F. Hopkins, expenses to Washington -	350 00
S. M. Booth adv'g building Capitol -	18 00
Pat. Duffey, labor about the Capitol -	12 00
Peter Coyne " " " -	12 00
Ole Torgerson " " " -	12 00
Coles Bashford's expenses to Washington on business of the State -	375 00
E. B. Foreman ballance due for the year 1856 -	166 00
E. B. Foreman, services for the year 1857 -	680 00
E. B. Foreman, " " " " 1858 -	12 50
V. W. Roth, one years services as military store keeper and clerk in Executive Department -	600 00
Alex. Spaulding, ballance due on services -	200 00
J. M. Flowers, services -	150 00
Wm. T. Atwood, services as clerk -	75 00
John W. Tiernay, services -	26 00
O. H. Lawrence, services in the Senate Chamber -	10 00
John Keane, laborer about the Capitol -	27 50
Smith Heman, Bankers Magazine for Wm. N. Dennis -	6 00
Pat Duffy, laborer about the Capitol -	53 75
Latimer, Bro. & Seymour, bill engraving &c. -	718 09
Jacob H. Preuss, Sup't Property -	3000 00
Noyes, Flertzheim & Co., for furniture -	121 00
Livingston, Fargo & Co., Express bills -	13 60
Amount deposited with State treasurer -	1486 79
Total -	\$14262 24

RECAPITULATION.

Total amount of debits	- - - - -	\$14262 24
Total amount of credits	- - - - -	14262 24

On motion of Senator Giles,

Referred to joint standing committee of investigation.

Senator Warren moved to suspend the rules, for the purpose of considering,

No. 221, S.,

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, McClellan, Mears, Proudfit, Smith, Sutherland, Tucker, Warren, Worthington—19.

Noes—Messrs. Maxon, Pier, Walsh, Wheeler—4.

The motion prevailed.

Rules suspended.

No. 221 S., a bill to provide for the payment of the expenses of the joint committee of investigation.

Taken up.

Senator Warren moved to amend by striking out "select" in the inside title of the bill, and insert "standing."

By unanimous consent agreed to.

Ordered to third reading.

Read the third time.

The question being on the passage of the bill, the ayes and noes were demanded and had.

Those voting in the affirmative were.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Giles, Joiner, McClellan, Mears, Pier, Smith, Sutherland, Warren, Worthington—15.

Those voting in the negative were,

Noes—Messrs. Chase, Cook, Greulich, Maxon, Proudfit, Tucker, Walsh, Wheeler—8.

Passed.

Senator Warren moved to amend the title on the outside of

the bill, so as to conform to the inside title.

The motion prevailed.

Title as amended agreed to.

On motion of Senator Davis,

Senate resolved itself into

COMMITTEE OF THE WHOLE.

on the general file.

Senator Davis in the chair.

After some time spent therein,

Committee rose and reported back

Without amendment.

Nos. 442, A., 191, A., 259, A., 343, A., 172, A., 171, A.,
376, A., 377, A., 420, A., 421, A., 479, A., 478, A., 406, A.,
Nos. 259, S., 171, S., 121, S., 295, S., 195, S., and 196, S.,

And recommend their passage.

Nos. 277, S., and 476, A.,

Recommending reference to committee on claims.

No. 342, A.,

Recommending reference to committee on education, school
and university lands.

Nos. 238, S., 220, A., and 138, A.,

With recommendation to lay on the table.

Nos. 150, S., and 61, A.,

With amendments,

Memorials, Nos. 136, A., and 20, S.,

Recommending passage.

No. 259, A., Recommending indefinite postponement.

No. 152, S.,

With recommendation that the committee have leave to sit
again on the same.

On motion of Senator Maxon,

Rules suspended.

No. 372 A. Taken from general file, and

Referred to committee on judiciary.

On motion of Sen Proudfit,

Senate adjourned.

SENATE CHAMBER,
March 18, 9 o'clock, A M. }

Senate assembled.

Lient. Governor in the chair.

Rev. Mr. Eggleston officiated as chaplain.

Roll of Senators called.

The absentees were,

Senators Davis, Hanchett, Martin, Schulteis, Tucker, Virgin and Walsh.

Journal of yesterday, read, corrected and adopted.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Cook.

A petition from citizens of the city of Sheboygan, for amendments to city charter.

Also,

A petition from citizens of Sheboygan and Manitowoc counties, praying for suspension of spring term of circuit courts, for their counties respectfully.

Referred to committee on judiciary.

RESOLUTIONS INTRODUCED.

By Senator Bean:

No. 97 S.

Resolved, That the select committee appointed to investigate charges against the Hon. William Chappell, Senator from the 14th Senatorial District, be, and they are hereby instructed to enquire whether the said Chappell had anything to do with the purloining of a bill which passed the Senate, and which was taken from the desk of the clerk of the Assembly during the session of 1857. Also, whether the said Chappell has been guilty of offering a bribe or bribes to prevent a witness or witnesses from testifying before the joint committee of investigation, against him during the present session of the Legislature, and further, whether the said Chappell received a bribe or bribes during the session of the Legislature of 1856.

Resolution considered.

No. 92, S.

Resolved by the Senate, the Assembly concurring, That the joint judiciary committee be, and they hereby are, instructed to report the whole of the Revised Statutes, as prepared by the Revisors, immediately to the legislature for their action.

Laid on the table until Tuesday.

Joint Resolution, No. 42, S.

Resolved by the Senate, the Assembly concurring, That the State Printer be requested to communicate to the Senate whether he claims the printing and binding of the proposed edition of the Revised Statutes of this State, under his present contract for State printing, and if so whether he will print and bind the entire edition which may be ordered by the present Legislature upon the terms of that contract.

Adopted.

Resolution No. 95, S.

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Instruction be, and he is hereby authorized and directed to deliver to the Mayor of the city of La Crosse, or on his order, five copies of Webster's Unabridged Dictionary for Schools in said city. The same to be distributed as follows: For the use of the schools in the first ward of said city, two copies and for the use of schools in the second ward, three copies.

Laid on the table.

No. 96 S. *Resolved by the Senate.* That the Judiciary Committee be, and they are hereby instructed and required to report back to the Senate at their earliest convenience the bill introduced in the Senate, for "An act to authorise the redemption of lands sold under foreclosure of mortgage by order or decree of courts."

Laid on the table.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Pier, (from committee on claims,)

No. 300 S.

A bill to appropriate to Herman L. Page the sum of \$262 50.

To general file.

By Senator Pier,

No. 301, S., bill for an act concerning vagrants and beggars.

To committee on incorporations.

By Senator Joiner,

No. 302, S., a bill for an act to incorporate the Wyoming and Spring Green Ferry and Bridge Co.

To committee on roads bridges and ferries.

By Senator Proudfit,

No. 304, S., a bill to authorize the commissioners of school and university lands to remit penalties in certain cases.

To committee on education, school and university lands.

By Senator Proudfit,

No. 303, S., a bill to authorize the survey of swamp and overflowed lands.

To committee on education, school and university lands.

By Senator Clark,

No. 305, S., a bill for an act to organize the county of Ke-waunee, for judicial purposes.

By Senator Clark,

No. 306 S., a bill for an act to provide for the improvement of the navigation of Wolf River.

To committee on internal improvements.

By Senator Clark,

No. 307 S., a bill for an act to amend chapter 18 of the general laws of 1858, entitled "an act to provide for publication and distributions of the laws of Wisconsin, concerning the organization and government of towns.

To committee on town and county organization.

COMMITTEE REPORTS.

By Senator Kimball,

The committee on incorporation report,

No. 251 S., a bill to amend the act to incorporate an asso-

ciation for the completion of the improvement of the Fox and Wisconsin Rivers, approved July 6, 1853.

And recommend its passage.

Also,

No. 250 A., a bill for an act to incorporate the village of Two Rivers, in the county of Manitowoc.

And recommend its passage.

KIMBALL,

Chairman.

By Senator Smith,

The joint committee on enrolled bills report that they have this day presented to the Governor for his approval the following bills:

No. 33 A., an act to incorporate the city of Ripon.

No. 6 A., An act to incorporate the northwestern turnpike road company.

No. 23 A., an act to appropriate to Thomas J. Otis the sum of three hundred and twenty-three dollars.

No. 81 A., an act to incorporate the Half Moon Lake canal company.

No. 167 A., an act to amend an act entitled An act to incorporate the city of Hudson, approved March 6th, 1857.

No. 288 S., an act to amend chapter 239 of the private and local laws of 1852, being an act to incorporate the village of Lake Mills.

No. 92 S., An act to legalize certain taxes therein named.

No. 217 S., an act for the apportionment of school money to school district No. 8, in the town of Greenfield, Milwaukee county.

No. 246 A., an act to provide for the payment of the clerk of the revisors.

No. 287 A., an act to provide for the payment of the clerks of the joint committees of judiciary and claims.

WM. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Kimball,

The committee on incorporations report,

No. 435, A., a bill for an act to amend an act, approved March 25th, 1854, entitled an act to incorporate the Western Wisconsin Mining Co.

Also,

No. 178, A., a bill for an act to amend the charter of the Wisconsin State Insurance Co., and an act amendatory thereto, approved March 4, 1857.

And recommend their passage.

Also,

No. 137, A., a bill for an act to incorporate the village of Springdale,

And,

No. 98, A., a bill for an act to incorporate the village of Penoka,

And,

No. 81, S., a bill for an act to incorporate the village of Greenwood in the county of LaPoint.

And recommend that they be indefinitely postponed.

Also report,

No. 122, S., an act to amend an act entitled an act to incorporate the Yellow River Improvement Co., approved March 2, 1857,

With amendment, and recommend its passage as amended.

Also,

No. 428, A., an act to amend chapter 132 of the private and local laws of A. D., 1857, entitled an act to incorporate the city of Appleton.

And recommend its passage.

KIMBALL, Chairman.

By Senator Clark,

The committee on incorporations report back Senate bill No. 297, "for an act to amend the charter of the village of Manitowoc," without amendment, and recommend its passage,

CLARK, Chairman.

By Senator Pier.

The committee on claims, to whom was referred the account of H. L. Page, have directed me to report a bill to appropriate to H. L. Page the sum of \$262 50.

They have also had under consideration the account of Jermain & Brighton, for publishing the Annual Report of States Prison Commissioner, and recommend that the same be disallowed. The committee find no law authorizing the Commissioner to have his report published except by the State Printer and he chose to have it printed elsewhere, the committee are of opinion that it belongs to him to pay for it.

The account of H. H. West, assignee of Ford & Fairbank, has also been under consideration. This account is for some 340 rolls wall paper, with the usual amount of bordering, and amounts to 209 00. The committee have no evidence before them that the paper was either purchased for the use of, or that any part of it was used by the State. The account is therefore reported back for information. It may be all right and if proof of that fact is shown to the committee, the amount will be allowed.

E. PIER,
Chairman.

By Senator Simpson.

The committee on roads, bridges and ferries, to whom was referred No. 112 S., "a bill in relation to rail road bridges," have had the same under consideration, and report the same back with amendments, and when the amendments proposed, are adopted, recommend its passage.

P. B. SIMPSON,
Chairman.

By Senator Chase.

The judiciary committee report back bills No. 58 A., for an act to establish a rule of evidence in certain cases. 217 A., to amend chap. 437, local laws of 1855, incorporating the village of Weyauwega. 247 A., to prevent the destruction of fish in the county of Waukesha,

And recommend their passage.

C. S. CHASE,
Chairman.

By Senator Sutherland.

The committee on education, school and university lands, report

No. 240 A., a bill for an act to authorize joint school district No. 11, of the towns of Portland and Waterloo, in the county of Jefferson, to collect a tax therein named, without amendment and recommend its passage.

J. SUTHERLAND,
Chairman.

By Senator Kimball.

The committee on incorporation report,

No. 202 A., a bill for an act to amend an act entitled An act to incorporate the village of Viroqua, approved March 9, 1857.

Also,

No. 243 A., a bill for an act entitled an act to incorporate the village of Omro, and recommend their passage.

Also, report

No. 165 A., a bill for an act to incorporate the Union Insurance Company.

Also,

No. 50 A., a bill for an act to incorporate the Aid Society of the Wisconsin Annual Conference of the Methodist Episcopal Church,

And recommend that they be indefinitely postponed.

KIMBALL,
Chairman.

Also, report

No. 228 A., a bill for an act to amend an act entitled an act to incorporate the village of Burlington in Racine Co, approved March 31st, 1855, and recommend their passage.

By Senator Warren,

Committee on enrolled bills report that they have examined and compared, and find correctly enrolled,

No. 27 A., an act to establish public schools in the city of Hudson.

No. 145 S., an act to legalize the records of the office of Register of Deeds in the county of Waupaca.

No. 153 S., an act to amend section 1 of chapter 264 of the private and local laws of 1857, entitled, an act to incorporate the village of Waupaca.

No. 169 S., an act to appropriate to Andrew Bishop the sum of four hundred and thirty-six dollars.

No. 194 S., an act to repeal section 7 of chapter 99 of the general laws of 1857, entitled an act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing, approved April 19, 1857.

No. 199 S., an act to legalize the acts of certain officers in the county of Juneau.

No. 439 A., an act providing for the submission of the question to the voters of Calumet county, of division of said county.

No. 288 S., an act to amend chapter 239 of the private and local laws of 1852, being an act to incorporate the village of Lake Mills.

J. H. WARREN,
Of Senate Com.

GEO. O. SMITH,
Of Assem. Com.

The Committee on Banks and Banking, to whom was referred so much of the Governors message as relates to banking and currency, have carefully considered the same and report as follows :

The Governor says " the first duty of a State in authorising issues of bank paper is to protect the public, and see that they suffer no loss. In this paragraph the Governor doubtless means that persons holding bank bills issued under au-

thority of the State, should be protected from loss or depreciation of such paper. And the justice of such protection is obvious from the fact, that bank bills authorised by the state fall into the hands of many who are ignorant of the conditions of such institutions, and who receive them upon their faith in the wisdom of those who frame the laws authorising their issue and circulation.

The law which authorises the business of banking in this State was approved April 19, 1852, and went immediately into operation, after having been approved by the people. From that to the present time there has been a gradual increase of banking associations and a consequent increase of banking capital in the state, so that at the present time the number of banks is seventy five, with an aggregate capital of \$5,940,000, and paying taxes into the State Treasury amounting the past year to \$70,298 00. Since the commencement of banking under the present law, several institutions have wound up or discontinued business, some of which have proved insolvent in regard to security to stock holders and depositors, and which under a different system would have ranked as broken banks.

And yet all the issues of these banks were redeemed at par, and such was the public confidence in the security provided by the banking law, that but few cases occurred where the holders of bills were losers by the sale of such bills to brokers. The known insolvency of any banking institution under this law, effects no depreciation in the value, nor check upon the currency of its notes. The last year has been one of almost unparalleled pecuniary difficulty, spreading distress and ruin among the monetary institutions of the country, and crushing banks as well as individuals. The circulation of our banks during this period must have been nearly or quite \$3,000,000, and yet no distrust of the bills was entertained or expressed by the public. And so strong was the confidence in the security of the bills, that the issues of institutions not possessing a large share of public confidence, from the man-

ner in which they were gotten up and the general ignorance of their location, were current for their full nominal value.

The foregoing statements go far to show, that the banking law of 1852, so far from being a failure, is in point of the first requisite of a banking law, viz: security to the bill holders, unsurpassed, if not unequalled by the banking system of any other state in the Union.

But this law, like all human enactments, in the opinion of your committee, is not without imperfection. Its spirit and design may be in some measure violated while the letter is obeyed. The Governor in his message speaking of banks doing business with no other capital than the security given for their circulation, says, "In numerous instances, too, the banks thus started, with no other known capital than their collateral security, are located in places or at points without population, unknown to the people of the State or the maps, inaccessible, and beyond the reach of bill-holders, even when known; and not unfrequently the bills appear to be signed by fictitious names as officers, by minors, or by persons peculiarly irresponsible. As a necessary consequence in all such cases, bill-holders cannot demand payment, or on default have their notes protested, or do any act to obtain money due them, even from the security, which is the only real or tangible capital of such banks. The framers of our bank law evidently never contemplated the organization of a banking association, and the emission of bills by it, without the establishment of a banking house or place of business, accessible by ordinary means to the public, open at regular business hours, and with officers well known to the community in which they reside; and it was, of consequence, anticipated that persons having such bank bills, might present them for payment at any time, and in default of payment have them protested, so that they could secure payment by the established legal method.

The evils here complained of are not only serious at present, but alarming from their tendency to increase, and the course

pursued by these institutions must, if unchecked, speedily drive out of circulation the bills of accessible and solvent banks, by the continual drain upon them for coin to supply the public wants. The committee have given this subject much consideration, and believe that the amendments proposed to the banking law will supply a remedy.

In other particulars the law is thought to be defective, alterations needed and amendments are accordingly proposed.

But although the amendments proposed by the committee are numerous, it will be seen that the fundamental principles of the law of 1852 are not changed, and the amendments are calculated to strengthen and carry out the original design.

In the law as it now exists there is no provision for the reduction in any case of the capital stock of a banking institution, or for the removal at any time of the place of business of a bank, from the point first designated by such bank to another which might be deemed more eligible.

It is possible that cases may occur in which one or the other of these privileges should be possessed by the bank, as a measure of justice to the institution and benefit to the public. In order, however, that there may be no abuse of such privileges, your committee have provided that such decrease of capital, and removal of location shall be made only by act of the Legislature.

Viewing the present banking law as one of the best in the Union, and peculiarly adapted to the wants of our people; regarding it as firmly fixed in the confidence of the public, and deeming it unwise and unsafe to attempt any submission of its general principles, your committee have thought it better to provide for such changes as were found necessary by amendments to its several sections than by repealing it in part or in whole.

And your committee herewith present a bill for an act to amend chapter 479 of the general laws of Wisconsin, for the

year 1852, entitled, "an act to authorize the business of banking in the State of Wisconsin."

D. WORTHINGTON,
E. FOX COOK,
H. H. GILES.

March 18, 1858.

Messages from the Assembly.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed No. 198 A, a bill for an act to prohibit the issue of city bonds by the mayor and common council of the city of Milwaukee.

No. 284 A, a bill for an act to repeal an act entitled "an act to authorize the State Superintendent of Public instruction to subscribe for a certain number of copies of the Wisconsin Journal of Education," approved April 1, 1856.

No. 366 A, a bill for an act to lay out a State road from Orion, in Richland county, to Viroquo, in Bad Ax county.

No. 325 A, a bill for an act to lay out a State road from Fayette, in LaFayette county, to the county line of Grant county.

No. 360 A, a bill to incorporate the Northport bridge company.

No. 308 A, a bill for an act to alter the State road leading from Blue Mounds, in the county of Dane, by way of School Section Bluff, to the Portage City and La Crosse State road in the county of Sauk.

No. 303 A, a bill for an act to amend an act entitled an act to incorporate the village of Elkhorn.

No. 409 A, a bill to provide for investigating the origin of fires in the city of Milwaukee.

No. 412 A, a bill for an act for the formation and perfection of county agricultural societies.

No. 401 A, a bill for an act to authorize Messrs, Prindle, Ellsworth & Co., to keep and maintain a boom on the Chipewa river.

No. 190 A., a bill for an act to repeal section 306 of chapter 120 of the laws of 1857, entitled an act to simplify and abridge the practice, pleadings, and proceedings of the courts of this State.

No. 410 A, a bill for an act to provide for laying out a State road from La Crosse, in La Crosse county to Viroqua, in Bad Ax county.

No. 431 A, a bill for an act to repeal chapter 13 of the general laws of 1857, entitled an act to provide for town cemeteries.

No. 202 A, a bill for an act to amend an act entitled "an act to incorporate the city of Mineral Point," approved March 9, 1857.

No. 402 A, a bill for an act to reduce the law, incorporating the city of Janesville, and the several acts amendatory thereof into one act, and to amend the same.

Joint Resolution No. 39 A.

In regard to ceding northern part of the State to the United States for the purpose of forming a new State-

In which the concurrence of the Senate is requested.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed

No. 394 A, a bill for an act to amend chapter 301 of the private laws of 1856, entitled an act to incorporate the village of Geneva.

No. 332 A, a bill for an act to alter and legalize a certain state road.

No. 411 A, a bill for an act granting to Walter P. Flanders, assignee of Chester Matteson, the right to keep and maintain a ferry across the Wisconsin river.

No. 426 A, a bill for an act to provide for laying out a state road therein named.

No. 397 A, a bill for an act requiring the county treasurer of La Crosse county, to pay to the county treasurer of Jackson county, the sum of \$841 08.

No. 253 A, authorizing Israel J. Hinderleiter to keep and maintain a ferry across the Wisconsin river.

No. 285 A, a bill for an act to lay out a certain State road from Welch's Mills to Tomah.

No. 286 A, an act to lay out a certain state road from Kickapoo to Tomah.

No. 233 A, a bill for an act in relation to the First Baptist church and society of Beaver Dam, in the county of Dodge.

No. 144 A, a bill for an act to allow towns in certain cases to build and repair roads by contract.

No. 341 A, a bill for an act concerning judgments and liens on real estate.

No. 238 A, a bill for an act to change the name of Sarah Basset to Sarah Bracken.

Mem. No. 155 A, memorial to Congress for the establishment of a mail route from Richland Center, via. Rockbridge, Westford and Cazenovia, in Richland county, to Ironton, in Sauk county.

Mem. No. 87 A, a memorial to Congress for a mail route.

Mem. No. 182 A, memorial for a mail route from Sheboygan city to West Bend, Washington county.

Mem. No. 176 A, memorial to Congress for the establishment of a mail route from Teller's Corners to Reedstown.

Mem. No. 161 A, memorial to Congress for a mail route from Prairie du Sac, in Sauk county, via Sauk City, Harrisburg, Plain and Mequa to Sextonville, in Richland county.

Mem. No. 159 A, memorial to Congress for the establishment of a mail route from Lone Rock, via Bear Creek, in Richland county, via Sandusky, Ironton and La Salle, in Sauk county, via Summit and Lindina to Mauston, in Juneau county.

Mem. No. 193 A, memorial to Congress for the establishment of a mail route from Mineral Point, via Linden, Constance and Highland to Avoca.

No. 469 A., a bill for an act to legalize the acts of the board of supervisors of the county of Monroe.

No. 493 A., a bill for an act to amend chapter 389 of the

private and local laws of 1857, entitled, "an act to provide for laying out a State road therein named."

No. 491 A., a bill for an act to amend chapter 358 of the private and local laws of 1857, entitled, "an act to provide for laying out a State road therein named."

No. 492 A., a bill for an act to amend chapter 207 of the private and local laws of 1857, entitled, "an act to authorize the laying out of a State road therein named."

In which the concurrence of the Senate is requested.

The Assembly have concurred in the passage of,

No. 288 S., a bill for an act to amend chapter 239 of the private and local laws of 1852, being an act to incorporate the village of Lake Mills.

And,

No. 182 S., a bill for an act to authorize the State Superintendent to apportion moneys to certain school districts therein named.

Without amendment.

MR. PRESIDENT:

I am directed, by the Assembly, to present for your signature,

No. 145 S., an act to legalize the records of the office of Register of Deeds in the county of Waupaca.

No. 153 S., an act to amend section 1 of chapter 264 of the private and local laws of 1857 entitled, an Act to incorporate the village of Waupaca.

No. 169 S., an act to appropriate to Andrew Bishop the sum of \$436.

No. 194 S., an act to repeal Section 7 of chapter 99 of the general laws of 1857 entitled, an Act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing, approved April 19th 1857.

No. 199 S., an act to legalize the acts of certain officers in the county of Juneau.

No. 429 A., an act providing for the submission of the question to the voters of Calumet county, of division of said Co.

No. 27 A., an act to establish public schools in the city of Hudson.

Senator Sutherland moved to suspend the rules for the purpose of considering,

No. 402, A., a bill for an act to reduce the law to incorporate the city of Janesville, and to amend the same.

The motion prevailed.

No. 402, A.,

Read the first and second times.

Ordered to third reading.

Read the third time.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Wheeler and Worthington—25.

Title agreed to.

Senator Mears moved to suspend rules, to take up,

No. 469, A., a bill for an act to legalize the acts of the Board of supervisors of Monroe county.

The motion prevailed.

Senator Giles moved to amend, by striking out of Sec. 1, the words, "and such part of said road is hereby vacated."

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Pier, Simpson, Smith and Wheeler—18.

Noes—Messrs. Maxon, Mears, Proudfit, Sutherland and Warren—5.

The amendment was adopted.

Bill ordered to third reading.

Read the third time.

Passed.

Title agreed to.

READ FIRST AND SECOND TIMES AND REFERRED.

No. 394, A.

A bill for an act to amend chapter 391, of the private and local laws of 1856, entitled an act to incorporate the village of Geneva.

No. 233, A.

A bill for an act in relation to the First Baptist church and society, of Beaver Dam, in the county of Dodge.

No. 303, A.

A bill for an act to amend an act entitled an act to incorporate the village of Elkhorn.

No. 401, A.

A bill for an act to authorize Messrs. Prindle, Ellsworth & Co., to keep and maintain a boom on the Chippewa river.

No. 360, A.

A bill to incorporate the Northport Bridge Company.

No. 302, A.

A bill for an act to amend an act entitled "an act to incorporate the city of Mineral Point, approved March 2, 1857.

To Committee on Incorporations.

No. 332, A.

A bill for an act to alter and legalize a certain State road.

No. 411, A.

A bill for an act granting to Walter P. Flanders, assignee of Chester Matteson, the right to keep and maintain a ferry across the Wisconsin river.

No. 426, A.

A bill for an act to provide for laying out a State road therein named.

No. 491, A.

A bill for an act to amend chapter 358 of the private and local laws of 1857, entitled "an act to provide for laying out a State road named therein.

No. 492, A.

A bill for act to amend chapter 207 of the private and local laws of 1857, entitled, "an act to authorize the laying out of a State road therein named."

No. 253, A., authorizing Israel J. Hinderleiter to keep and maintain a ferry across the Wisconsin river.

No. 285, A., a bill for an act to lay out a certain state road from Welch's Mills to Tomah.

No. 286, A., an act to lay out a certain state road from Kickapoo to Tomah.

No. 493, A., a bill for an act to amend chapter 389 of private and local laws of 1857, entitled an act to provide for laying out a state road therein named.

No. 325, A., a bill for an act to lay out a state road from Fayette, in LaFayette county, to the county line of Grant county.

No. 410, A., a bill for an act to provide for laying out a state road from LaCrosse, in LaCrosse Co., to Viroqua, in Bad Ax Co.

No. 366, A., a bill for an act to lay out a state road from Orion, in Richland Co., to Viroqua, in Bad Ax Co.

No. 308, A., a bill for an act to alter the state road leading from Blue Mounds, in the county of Dane, by way of School Section Bluff, to the Portage City and LaCrosse state road, in the county of Sauk.

To committee on roads, bridges and ferries.

No. 327, A., a bill for an act requiring the County Treasurer of LaCrosse Co. to pay to the County Treasurer of Jackson Co. the sum of \$841 08.

No. 144, A., a bill for an act to allow towns in certain cases to build and repair roads by contract.

To committee on town and county organization.

No. 341, A., a bill for an act concerning judgments and liens on real estate.

No. 190, A., a bill for an act to repeal section 306, of chapter 120, of the laws of 1856, entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.

To committee on judiciary.

No. 284, A., a bill for an act to repeal an act entitled

an act to authorize the State Superintendent of Public Instruction to subscribe for a certain number of copies of the Wisconsin Journal of Education," approved April 1, 1856.

To committee on education, school and university lands.

Mem. No. 155 A., memorial to congress for the establishment of a mail route from Richland Center, via Rockbridge, Westford and Cazenovia, in Richland county, to Ironton, in Sauk county.

Mem. No. 87 A., a memorial to congress for a mail route.

Mem. No. 182 A., memorial for a mail route from Sheboygan city to West Bend, Washington Co.

Mem. No. 176 A., memorial to congress for the establishment of a mail route from Teller's Corners to Reedstown.

Mem No. 161 A., memorial to congress for a mail route from Prairie du Sac, in Sauk county, via Sauk City, Harrisburg, Plain and Mequa to Sextonville, in Richland county.

Mem. No. 159 A., memorial to congress for the establishment of a mail route from Lone Rock, via Bear Creek, in Richland county, via Sandusky, Ironton and La Salle, in Sauk county, via Summit and Lindina to Mauston, in Juneau county.

Mem. No. 193 A., memorial to congress for the establishment of a mail route from Mineral Point, via Linden, Constance and Highland to Avoca.

No. 431 A., a bill for an act to repeal chapter 13 of the general laws of 1857, entitled an act to provide for town cemeteries.

No. 409 A., a bill to provide for investigating the origin of fires in the city of Milwaukee.

To general file.

No. 412 A., a bill for an act for the formation and perfection of county agricultural societies.

To committee on agriculture, &c.

No. 198 A., a bill for an act to prohibit the issue of city bonds by the mayor and common council of the city of Milwaukee.

To select committee consisting of Senators Greulich, Boyd, and Walsh.

No. 238 A., a bill for an act to change the name of Sarah Bassett to Sarah Bracken.

Was laid on the table.

J. R. No. 39 A., in regard to ceding northern part of the State to the United States for the purpose of forming a new State.

Referred to committee on State affairs.

Sen Clark moved a suspension of the rules for the purpose of considering

Nos. 297 S. and 240 A.

The motion prevailed.

No. 297 S., a bill for an act to amend the charter of the village of Manitowoc.

Ordered to third reading.

Read third time.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—23.

Title agreed to.

No. 240 A., a bill for an act to authorize joint school district No. 11, of the towns of Portland and Waterloo, in the county of Jefferson to collect a tax therein named.

Ordered to third reading.

Read the read time.

Senator Bean moved to amend by striking out the words, ‘in the county of Jefferson,’ in the body and title of the bill.

By unanimous consent,

Amendment adopted.

Passed.

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Kingston, McClellan, Maxon, Pier,

Proudfit, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—20.

READ THIRD TIME AND PASSED.

No. 226 S, a bill to appropriate to Darwin Clark \$6.

The ayes and noes being required,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—24.

None voting in the negative.

No. 114 S, a bill to appropriate to the Madison Gas Light and Coke company \$499.

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—23.

None voting in the negative.

No. 93 A., a bill for an act to amend the charter of the city of Beaver Dam.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Greulich, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Wheeler, Worthington—21.

No. 187 A., a bill for an act to amend section one, of chapter 221 of the local laws of 1857, entitled 'an act to amend section 1, chapter 366 of local laws of 1855.

No. 83 A., a bill for an act to appoint commissioners to lay out a State road from Omro, Richland Co., to Sparta, in Monroe county.

No. 147 A., a bill for an act to authorize the laying out and establishing a State road from the village of Marksaw in the county of Marquette, to the town of Courtland in Columbia county.

No. 205 A., a bill for an act to lay out a State road from New London in Waupaca county to Peterson's Mills in Shawano county.

No. 123 A., a bill for an act entitled "an act in relation to State roads."

No. 135 A., a bill for an act to lay out a State road from Welaudee, in Winnebago county, to Stevens Point, in Portage county.

No. 15 A., a bill for an act to lay out a State road in Monroe, Jackson and Clark counties.

No. 223 A., a bill for an act for the relief of school district No. 1, in Half Moon Lake township.

No. 192 A., a bill to pay J. D. Welch, a sum of money.

The ayes and noes being required.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Cook, Davis, Giles, Joiner, Kimball, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh, Wheeler, Worthington—23.

None voting in the negative.

REPORTED BY COMMITTEE OF THE WHOLE.

No. 269 A, a bill for an act to authorize the President and Trustees of the village of Sparta to divide the village into wards,

Indefinitely postponed.

Referred,

No. 342 A, a bill for an act to authorize school districts to vote taxes at special meetings,

To committee on Education, School and University Lands.

No. 476 A, a bill for an act to appropriate to Orton, Hopkins and Firman \$25.

To committee on claims.

No. 277 S, a bill for an act to appropriate to Edward M. McGraw, States Prison Commissioner, the sum of \$35,000.

To committee on claims, with instructions to report to-morrow morning.

Laid on the table.

No. 238 S., a bill for an act to legalize a certain State road.

No. 220 A., a bill for an act to incorporate the Sparta Academy.

No. 138 A., a bill for an act to incorporate the Literary Association of Prairie du Chien.

ORDERED ENGROSSED AND READ THIRD TIME.

No. 150 S., a bill for an act to amend an act entitled, "an act to incorporate the city of Prescott," approved March 9, 1857.

Amendments of committee concurred in.

No. 259 S., a bill for an act to require the States Prison Commissioner to allow the account of Whitney & Danforth the sum of \$51 84.

No. 121 S., a bill to appropriate to Robert J. Smith the sum of money therein named.

No. 196 S., a bill for an act to appropriate to the Wisconsin Institute for the education of the Blind certain sums of money therein named.

No. 195 S., a bill for an act to appropriate to the Wisconsin Institute for the Deaf and Dumb a sum of money, \$20,000.

No. 256 S., a bill for an act to authorize the trustees of the village of Waupun to levy and collect a special tax.

ORDERED TO THIRD READING.

No. 61 A., a bill concerning the county seat of Adams county.

Amendments of committee concurred in.

No. 259 A., a bill for an act to legalize a state road leading from Sparta to Richland.

No. 343 A., a bill for an act to authorize the laying out of state road from the village of Reedsburgh to Kilbourn City.

No. 172 A., a bill for an act to lay out and establish a state road from La Crosse, in La Crosse county, to Fountain city in Buffalo county.

No. 171 A., a bill for an act to provide for a state road from Appleton to Shawano.

No. 376 A, a bill to appropriate to Muldoon & Compton \$10 13,

No. 277 S, a bill to appropriate to Alvah Nash \$25 00.

No. 420 A, a bill for an act to appropriate to H. G. Dodge \$11 25.

No. 421 A, a bill to appropriate to A. W. Gardner \$47. .

No. 479 A, a bill for an act to appropriate to J. C. Squires \$16 50.

No. 478 A, a bill for an act to appropriate to Ellen Haley \$12 50.

No. 406 A, a bill for an act to appropriate to Colwell and Co. a sum of money.

No. 191 A, a bill for an act to appropriate to Sharpe and Oakley the sum of money therein named.

No. 442 A, a bill for an act to legalize the official acts of John W. Hall, a justice of the peace of the town of Forest, in the county of Fond du Lac.

Mem. No. 136 A, memorial for a mail route from La Crosse in La Crosse county, via Galesville, Fountain City, Belvidere, and Alma, in Buffalo county, to Pepin, in Pepin county.

Mem. No. 20 S, memorial to Congress for a mail route from Broadhead, via Albany and Morefield to Monticello.

REFERRED.

No. 295 S, a bill for an act to appropriate to Bliss, Eberhard & Festner, the sum of \$1,479 04.

To joint standing committee on investigation, with instruction to report as soon as possible what portion of said indebtedness was contracted without authority of law.

No. 78, A., a bill for an act to incorporate the Milton Institute.

Referred to Senator Bennett.

Leave to sit again upon,

No. 152, S., a bill for an act to provide for the protection of stockholders of rail road corporations.

Was granted.

Senator Smith moved a suspension of the rules for the purpose of considering,

No. 256, S., a bill for an act to authorize the trustees of the village of Waupun to levy a special tax.

The motion prevailed.

Ordered to a third reading.

Read the third time.

Passed.

The ayes and noes being as follows :

Aye—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kingston, McClellan, Maxon, Pier, Proudfit, Simpson, Smith, Sutherland, Warren, Walsh and Worthington—23.

Title agreed to.

On motion,

Senate adjourned until half-past seven o'clock this evening.

7 1-2 o'clock, P. M.

Senate met pursuant to adjournment.

Senator Giles, President *pro tem.*, in the chair.

Roll of Senators called.

Absent—Senators Cook, Hanchett, Kimball, Martin, Schulteis, Simpson and Virgin.

Senator Davis moved a reconsideration of the vote by which the Senate passed

No. 469, A., a bill for an act to legalize the acts of the Board of Supervisors of the county of Monroe.

The motion prevailed.

Senator Smith moved to reconsider the vote by which the Senate amended the first section of said bill by striking out the words, "and such part of said road is hereby vacated."

The motion prevailed.

Amendment reconsidered.

Bill passed.

Title agreed to.

BILLS INTRODUCED.

By Senator Walsh.

No. 308, S., a bill to amend an act entitled, "an act to extend the time for the payment of taxes and assessments in the city of Milwaukee."

Read first and second times.

Referred to general file.

Account presented by Senator Proudfit,

Account of William Ripley, assignee, against the State.

Referred to committee on claims.

On motion of Senator Maxon,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Bennett in the chair.

After some time spent therein,

Committee rose and reported having had under consideration

No. 152 S.,

And recommended the passage of the same.

Report taken up.

No. 152 S., a bill for an act to provide for the protection of stockholders in Railroad companies.

Amendments to section 1, inserting words, "having five miles of road in operation."

Not concurred in.

Remaining amendments concurred in.

Senator Chase moved to order engrossed for third reading, and to print.

Senator Clark called for a division of the question.

Division was had.

The question being on ordering to a third reading,

The ayes and noes were called, demanded, and ordered.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chappell, Clark, Cook, Giles, Greulich, Joiner, Maxon, Mears, Proudfit, Smith, Sutherland, Virgin, Warren, Walsh, Worthington—17.

Those voting in the negative were:

Messrs. Bean, Chase, Kingston, Wheeler—4.

The motion prevailed.

Ordered engrossed for third reading.

The motion to print was withdrawn.

COMMITTEE REPORTS.

By Senator Cook,

The select committee to whom was referred bill No. 102 S., being a bill for an act "to protect the people against the money power, by limiting the rate of interest," have had the said bill under consideration, and instructed me, as their chairman, to report said bill back to the Senate, and recommend the adoption of a substitute herewith submitted, to stand for Section 3 of said bill, which though it may not materially alter the substantial part of said section, yet it so changes the language, as, in the opinion of your committee, to make its object some more definite. Ail of which is respectfully submitted.

E. FOX COOK,

Chairman.

By Senator Clark,

The committee on incorporation report back without amendment Assembly bills Nos. 233, 302, 303 and 360, and recommend their passage.

CLARK.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed, No. 515 A, a bill to appropriate to Atwood & Rublee the sum of \$3,623 21.

In which the concurrence of the Senate is requested.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

The ayes and nose being required.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Giles, Greulich, Joiner, Kingston, Maxon, Mears. Proudfit, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler and Worthington—21.

Title agreed to.

On motion,

Senate adjourned.

SENATE CHAMBER,
March 19th, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Haider.

Roll of Senators called.

The absentees were Senators Kimball, Martin and Tucker.

Journal of yesterday read and approved.

RESOLUTIONS CONSIDERED.

No. 97, S.

Resolved, That the select committee appointed to investigate charges against the Hon. William Chappell, Senator from the 14th Senatorial District, be, and they are hereby instructed to enquire whether the said Chappell had any thing to do with the purloining of a bill which passed the Senate, and which was taken from the desk of the clerk of the Assembly during the session of 1857. Also, whether the said Chappell has been guilty of offering a bribe or bribes to prevent a witness or witnesses from testifying before the Joint Committee of Investigation, against him during the present session of the Legislature, and further, whether the said Chappell received a bibe or bribes during the session of the Legislatnre of 1856.

Senator Cook offered the following as a substitue.

Resolved, That the select committee appointed to investigate charges against the Hon. William Chappell, Senator from the 14th Senatorial District, be, and they are hereby instructed to enquire whether a bill which had been passed by the Senate at the session of the Legislature in 1857, was wrongfully abstracted or porloined, and withheld from the files or possession of the Assembly, during said session, and if so, whether said Chappell, was in any way or manner connected with such transaction or not.

And, also, whether said Chappell, has been guilty of bribery or offering to bribe any witness, or person to prevent him from appearing and testifying before any committee of investigation, during the present session of this Legislature.

And, further, whether he as a member of the Assembly in 1856, did or not, for any purpose connected with his official acts or duty, receive a bribe from any source whatever, and report fully all the facts connected with the subject matter of inquiry under this resolution.

Substitute adopted.

Resolution as amended

Passed.

Introduced by Senator Giles.

No. 98, S.

Resolved, That all bills, now on the files of the Senate, providing for laying out State roads, be referred to the Committee on Roads, Bridges and Ferries, with instructions to bring in a general bill providing for the laying out of such roads.

GILES.

Rules suspended.

Resolution adopted.

By Senator Hanchett.

Joint Resolution No. 43, S.

Resolved by the Senate, the Assembly concurring, That the Joint Committee on Judiciary be instructed to return to the Legislature the report of the Commissioners to revise the Statutes &c., without any recommendation, and that the Revision and

Report of such Commissioners be made the special order at half past ten o'clock, A. M., of each and every day until finally disposed of, or until otherwise directed.

By Senator Hanchett.

No. 99, S.

Resolved, That the Senate will receive messages from the Assembly though the Assembly may not be in session when the same are delivered to the Senate.

Senator Giles moved to amend by adding, "and that the Chief Clerk of the Senate serve a copy of this resolution on the Speaker of the Assembly.

Rules suspended,

Amendment agreed to.

Resolution adopted.

BILLS INTRODUCED.

By Senator Hanchett,

No. 309 S, an act to provide for the laying out of a State Road from Grand Rapids, in Wood county, to Tomah, in the county of Monroe,

To committee on roads, bridges and ferries.

By Senator Proudfit,

No. 310 S, a bill to appropriate to John Hill, the sum of money therein named,

To committee on claims.

COMMITTEE REPORTS.

By Senator Davis,

The joint committee for Investigation, to whom was referred No. 295 S, a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of \$1479.04, have considered the same, and find the bill made up of the following general items:

To the office of the Secretary of State,	- - -	\$439 89
" " State Treasurer,	- - -	85 28
" " Bank Comptroller,	- - -	37 53
To the present Legislature,	- - -	852 78
To the Supreme Court,	- - -	102 71
To the Superintendent of Public Instruction,	- - -	126 18

\$1644 37

Your committee have examined in detail the items of this bill and they believe that most of the articles furnished the Legislature and the different departments of the government were necessary for the transaction of the business of the State.

The bill is herewith returned without any recommendation.

M. M. DAVIS,
Chairman.

By Senator Pier.

The Committee on Claims to whom was referred No. 277, S, to appropriate to Edward M. MacGraw, State Prison Commissioner, the sum of money therein named, to wit.: thirty-five thousand dollars, have had the same under consideration, and have directed me to report the same back to the Senate with amendments, and when so amended recommend its passage.

They have also had under consideration, No. 232, S., to appropriate to Abram D. Smith the sum of \$65, and No. 233, S. to provide for the purchase of fifty copies of Supreme Court Reports, and to pay for the same.

Upon inquiry the Committee find that the State is fully and amply supplied with these reports, the lowest number of any one volume on hand being one hundred and thirty, and of the others, from one to two hundred. Under these circumstances the committee see no need of the purchase by Gov. Bashford, of the thirteen copies from Judge Smith, and have therefore directed me to report these bills back with the recommendation that they be indefinitely postponed.

EDWARD PIER, Chairman.

By Senator Chase.

The Judiciary Committee report back bills Nos. 341, A., concerning judgments and liens on real estate, 293, S., to authorize the county Judge of Winnebago county to perfect records and papers, and recommend their passage. Also, 276, S., to amend chapter 68 of the general laws of 1853, an act providing for the organization of joint stock companies, and No. 131, S., an act to authorize the Commissioners of the

School and University Lands to loan the drainage fund, by substitutes, and recommend the passage of the substitutes.

C. S. CHASE, Chairman.

By Senator Simpson,

The committee on roads, bridges and ferries, to whom was referred No. 253 A., "a bill for an act to authorize Isreal J. Hinderlinter to keep and maintain a ferry across the Wisconsin river," have considered the same and recommend its passage.

P. B. SIMPSON,
Chairman.

By Senator Davis,

The committee to whom was referred No. 282 S., a bill for an act to appropriate a certain sum of money to the town of Monroe, Green Co., report that the same back, with the accompanying petition and recommend that the bill and petition be referred to the committee on claims.

DAVIS,
Chairman.

Report taken up, concurred in.

By Senator Warren,

The committee on enrolled bills report that they examined and compared, and find correctly enrolled,

No. 8 S., a bill for an act to amend chapter 48 of session laws of 1856 in relation to lumber drifted on lands.

No. 186 S., a bill for an act to appropriate to J. D. Welch the sum of \$87 50.

No. 202 S., a bill for an act to appropriate to Joseph Shantz the sum of \$25.

No. 223, S., a bill for an act to compel the State Treasurer to pay over to the County Treasurer of Portage County the school fund appropriated to said county, for the year 1857 and '58.

No. 16, S., a bill to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

No. 171, S., a bill for an act to authorize the laying out of a state road therein named.

No. 173, S., a bill for an act to appropriate to A. L. Slye the sum of \$407.50.

No. 263, S., a bill for an act to amend chapter 115 of the session laws of 1856, entitled an act to provide for the annual examination of the accounts of certain State officers.

No. 189 S., a bill for the relief the First Congregational Society, in the town of Magnolia, in the County of Rock.

No. 203 S., a bill for an act to appropriate to Nathaniel Waterbury the sum of \$38 40.

No. 204 S., a bill for an act to appropriate to J. C. Lewis the sum of \$38 40.

No. 160, S., a bill to appropriate to Tibbits & Gordon the sum of \$48 43.

No. 168 S., a bill for an act to authorize the laying out of a state road therein named.

No. 25 A., an act to incorporate the Madison and Pheasant Branch Gravel and McAdam Road company.

No. 515 A. a bill to appropriate to Atwood & Rublee, three thousand six hundred and twenty-three dollars and twenty-one cents.

J. H. WARREN,
Of Senate Com.
GEO. C. SMITH,
Of Assembly Com.

Committee on enrolled bills report that they have presented to the Governor, bill No. 515 A., an act to appropriate to Atwood & Rublee, \$3,123 21.

J. H. WARREN,
Of Senate Com.
W. C. SMITH,
Of Assem. Com.

BILLS ON THIRD READING.

REFERRED.

No. 343 A, a bill for an act to authorize the laying out of a state road from the village of Reedsburgh to Kilbourn City.

No. 172 A, a bill for an act to lay out and establish a state

road from La Crosse, in La Crosse county, to Fountain city in Buffalo county.

No. 171 A, a bill for an act to provide for a state road from Appleton to Shawano.

To committee on roads, bridges and ferries.

READ THIRD TIME AND PASSED.

No. 61 A, a bill concerning the county seat of Adams county.

No. 259 A, a bill for an act to legalize a state road leading from Sparta to Richland.

Mem. No. 136 A, memorial for a mail route from La Crosse in La Crosse county, via Galesville, Fountain City, Belvidere, and Alma, in Buffalo county, to Pepin, in Pepin county.

No. 479 A, a bill for an act to appropriate to J. C. Squires \$16 50.

The ayes and noes being required.

Those voting in the affirmative were

Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Virgin Warren, Walsh, Wheeler, Worthington.—21.

Those voting in the negative were

Messrs. Chase, Greulich, Hanchett, Simpson.—4.

No. 420 A, a bill for an act to appropriate to H. G. Dodge \$11 25.

Those voting in the affirmative were

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Greulich, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington.—21.

Senator Simpson voting in the negative.

No. 421 A., a bill to appropriate to A. W. Gardner \$47.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears,

Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington—23.

Those voting in the negative were :

Messrs. Chase, Virgin—2.

No. 377 A., a bill to appropriate to Alvah Nash \$25 00.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Virgin, Walsh, Wheeler, Worthington—24.

No. 442 A., a bill for an act to legalize the official acts of John W. Hall, a justice of the peace of the town of Forest, in the county of Fond du Lac.

No. 276 A., a bill to appropriate to Muldoon & Compton, \$10 13.

The ayes and noes being required,

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Wheeler, Worthington—22.

Those voting in the negative were :

Messrs. Bean, Virgin—2.

No. 406 A., a bill for an act to appropriate to Colwell & Co., a sum of money.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, Worthington—24.

Senator Virgin voted in the negative.

No. 478, A., a bill for an act to appropriate to Ellen Haley \$12 50.

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler and Worthington—23.

Noes—Chase, Pier and Virgin—3.

No. 191 A, a bill for an act to appropriate to Sharpe & Oakley the sum of money therein named.

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler and Worthington—23.

Noes—Messr. Chase and Virgin—2.

No. 196, S., a bill for an act to appropriate to the Wisconsin Institute for the education of the Blind, certain sums of money therein named.

Those voting in the affirmative were :

Mesfrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Simpson, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler and Worthington—22.

Noes—Messrs. Pier and Virfin—2

Senator Greulich moved a suspension of the rules for the purpose of considering,

Nos. 234, A., and 356, A.,

The motion prevailed.

Rules suspended.

No. 234, A., a bill for an act to appropriate to Joseph Keyes a sum of money therein named.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were :

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Hanchett, Joiner, McClellan, Maxon, Mears, Pier, Sutherland, Virgin, Warren, Wheeler, and Worthington.—19.

Senator Kingston voting in the negative.

Title agreed to.

No. 356 A., a bill for an act to appropriate to Mathias Greenbaum \$235.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were :

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Greulich, Hanchett, Joiner, Kingston McClellan, Maxon, Mears, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler, and Worthington—21.

None voting in the negative.

On motion,

Senate resolved itself into,

COMMITTEE OF THE WHOLE,

On the general file.

Senator Maxon in the chair.

After some time spent therein,

Committee rose and through the chairman submitted the following

REPORT.

Senate in committee of the whole have had under consideration the general file of bills and ask leave to make the following report :

Bill 241 S., and recommend it be referred to the committee on judiciary.

Bill 209 S., and recommend it be sent to general file.

Bills, Nos. 88 A., 104 S., 268 S., 320 A., 269 S., 11 S., 214 S., 210 S., 253 S., 250 A., 247 A., 302 A., 209 A., 217 A.

Without amendments, and recommend their passage.

No. 257 S., with amendment, and passage recommended.

No. 431 A., recommend it be referred to judiciary committee with instruction.

No. 301 A., recommend an indefinite postponement.

Nos. 50 and 40 A., recommended to be laid on the table.

Report taken up and considered

LAIID ON THE TABLE.

No. 40 A., a bill for an to incorporate the Reeds Landing and Eau Claire Steam Packet Company.

No. 50 A., a bill for an act to incorporate the Aid Society of the Wisconsin Annual Conference of the Methodist Episcopal Church.

INDEFINITELY POSTPONED.

No. 301 A., a bill for an act concerning school monies in certain cases.

REFERRED.

No. 431 A., a bill for an act to repeal chapter 13 of the general laws of 1857, entitled, "an act to provide for town cemeteries.

No. 241 A., a bill for an act to provide for the relief of persons by the foreclosure of mortgages in certain cases.

To the committee on judiciary.

No. 209 S., a bill for an act relating to the publication of the Revised Statutes.

To the general file.

ORDERED ENGROSSED AND READ THIRD TIME.

No. 257 S., a bill for an act requiring the Register of Deeds of Adams county to deliver certain records.

Amendments of committee concurred in.

No. 104 S., a bill to appropriate to Edward Gibbs a sum of money.

No. 268 S., a bill for act to appropriate to A. S. Wood \$13 50.

No. 269 S., a bill for an act to appropriate to J. Sage & Sons the sum of \$335 50.

No. 11 S., a bill to repeal chapter 92 of session laws of 1856, entitled An act to amend chapter 79 of the revised statutes.

No. 214 S., a bill for an act to attach Richland county to the sixth circuit for judicial purposes.

No. 210 S., a bill to amend the act entitled An act to incorporate the city of Green Bay.

No. 253 S., a bill for an act to amend an act entitled An act to incorporate the Merchants Mutual Insurance Company, and the acts amendatory thereof.

ORDERED TO THIRD READING.

No. 88 A, a bill for an act to provide for a special tax to improve a road therein named.

No. 320 A, appropriating to J. S. Webster the sum of thirteen dollars.

No. 320, A., a bill for an act to appropriate to J. S. Webster \$18.

No. 250, A., a bill for an act to incorporate the village of Two Rivers, in the county of Manitowoc.

No. 247, A., a bill for an act entitled an act to prevent the destruction of fish in the county of Waukesha.

No. 217, A., a bill for an act to amend chapter 437, of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega.

No. 302, A., a bill for an act to amend an act entitled, "an act to incorporate the city of Mineral Point, Approved March 2d, 1857.

No. 409, A., a bill for act to investigate the origin of fires in the city of Milwaukee.

Senator Davis moved that the Chief Clerk of the Senate be instructed to request the Assembly to return No. 234, A., "a bill appropriating to Joseph Keyes a sum of money" for further consideration.

The motion prevailed.

On motion,

Senate adjourned until half-past seven o'clock this evening.

7 1-2 O'CLOCK P. M.

Senate assembled.

Senator Giles, President pro tem, in chair.

Roll of Senators called.

The absentees were Senators Chase, Clark, Cook, Kimball, Kingston, McClellan, Martin, Schulteis, Tucker, Sutherland and Worthington.

Leave of absence was granted to Senators McClellan, Tucker and Worthington for the evening.

COMMITTEE REPORTS.

By Senator Pier,

The joint committee on claims to whom was referred bill No. 310 S, a bill to appropriate to John Hill the sum of money therein named.

Have had the same under consideration, and instructed me to report the same back with an amendment, and when so amended recommend its passage.

E. PIER, Chairman.

By Senator Warren,

Committee on enrolled bills report correctly engrossed bills Nos. 259, 121, 150, 195, 152 S., and Mem. No. 20 S.

J. H. WARREN, Chairman.

By Senator Warren,

The committee on enrolled bills report that they have this day presented to the Governor for his approval the following bills :

No. 27, A., an act to establish public schools in the city of Hudson.

No. 429, A., an act providing for the submission of question to the voters of Calumet county of division of said Co.

No. 145, S., an act to legalize the records of the office of Register of Deeds, in the county of Waupaca.

No. 153, S., an act to amend section one, of chapter 264, of the private and local laws of 1857, entitled an act to incorporate the village of Waupaca.

No. 169, S., an act to appropriate to Andrew Bishop the sum of \$436.

No. 194, S., an act to repeal section 7, of chapter 99, of the general laws of 1857, entitled an act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing, approved April 19th, 1857.

No. 190, S., an act to legalize the acts of certain officers in the county of Juneau.

WM. E. SMITH, Of Senate Com.

GEO. C. SMITH, Of Assembly Com.

By Senator Warren,
Committee on engrossed bills, report correctly engrossed,
No. 257, S., and No. 210, S.

J. H. WARREN.

BILLS INTRODUCED.

By Senator Bennett,
No. 311, S., a bill to amend chapter eight of the revised statutes, so as to extend the jurisdiction of justices of the peace in civil cases.

On motion of Senator Mears,
Rules suspended, for the purpose of considering,
No. 310, S., a bill to appropriate to John Hill the sum of money therein named.

No. 310, S.,
Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, Warren and Walsh—20.

None voting in the negative.

Title agreed to.

By Senator Clark,
No. 312 S., a bill for an act to extend the time for distributing the school fund income of this State for 1858.

Read first and second times,

Referred to committee on education, school, &c, with instructions to report in the morning.

By Senator Clark,

No. 313 S., a bill for an act to provide for the removal of the State Capital.

Read first and second times.

Senator Clark moved to refer to committee on State affairs.

Senator Cook moved to amend "and that said committee be instructed to designate where Fort Winnebago is situated.

The amendment was agreed to.

So referred.

By Senator Chappell;

No. 314 S., an act to maintain and establish a Ferry across the Wisconsin river.

Read first and second times,

Referred to committee on roads, bridges and ferries.

Senator Clark moved to suspend the rules and take up all bills on third reading.

The motion prevailed.

READ THIRD TIME AND PASSED.

No. 11 S, a bill to repeal chapter 92 of session laws of 1856, entitled An act to amend chapter 76 of the revised statutes.

No. 269 S, a bill for an act to appropriate to J. Sage & Sons the sums of \$335 50.

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, Warren, Walsh—19.

No. 268 S, a bill for an act to appropriate to A. S. Wood \$13 50.

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Joiner, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, Walsh—18.

Senator Bean voting in the negative.

No. 104 S, a bill to appropriate to Edward Gibbs a sum of money.

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Tucker, Virgin, Walsh—19.

Senator Bean voting in the negative.

No. 253 S., a bill for an act to amend an act entitled "an act to incorporate the Merchant's Mutual Insurance Company," and the acts amendatory thereof.

No. 214, S., "a bill for an act to attach Richland county to the sixth circuit for Judicial purposes."

No. 250 A., a bill for an act to incorporate the village of Two Rivers, in the county of Manitowoc.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Joiner, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Tucker and Walsh—17.

Noes—Messrs. Giles, Greulich and Virgin—3.

No. 247 A., a bill for an act entitled an act to prevent the destruction of fish in the county of Waukesha.

No. 88 A., a bill for an act to provide for a special tax, to improve a road therein named.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Joiner, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Virgin, Warren and Walsh—19.

No. 320 A., a bill for an act to appropriate to J. S. Webster \$181. 00 of

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Hanchett, Kingston, Maxon, Mears, Pier, Proudfit, Smith, Virgin, Warren and Walsh—18.

No. 409 A., a bill for an act to provide for investigating the origin of fires in the city of Milwaukee.

No. 217 A., a bill for an act to amend chapter 437, of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega."

No. 152 S., a bill for an act to provide for the protection of stockholders of Railroad Corporations.

Senator Davis offered the following amendment:

Add to section 3,

"And every Rail Road Co., incorporated by or under the laws of this State, shall keep the principal office or place of business in some town, city or village within this State on the line of its road, at which shall be kept the books showing all the transactions and affairs of said company."

By unanimous consent adopted.

Passed.

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Kingston, Maxon, Mears, Pier, Proudfit, Smith, Virgin, Warren, Walsh—17.

No. 195 S., a bill for an act to appropriate to the Wisconsin Institution for the Deaf and Dumb, a sum of money, \$20,000.

Ayes.—Messrs. Bennett, Boyd, Chappell, Cook, Davis, Giles, Greulich, Hanchett, Kingston, Maxon, Mears, Proudfit, Smith, Warren, Walsh, and Worthington—16.

Noes.—Messrs. Pier, and Virgin—2.

Mem. No. 20 S., memorial to Congress for a mail route from Brodhead, via Albany and Morefield, to Monticello.

No. 150 S., a bill for an act to amend an act entitled, "an act to incorporate the city of Prescott," approved March 9, 1857.

No. 121 S., a bill to appropriate to Robert J. Smith the sum of money therein named.

Ayes.—Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Greulich, Hanchett, Kingston, Mears, Pier, Proudfit, and Smith—12.

Noes.—Messrs. Bean, Giles, Maxon, Virgin, Warren, and Walsh—5.

No. 259 S., a bill for an act to require the States Prison Commissioner to allow the account of Whitney & Danforth the sum of \$51 84.

On motion of Senator Warren,
Rules suspended.

No. 257, S., a bill for an act requiring the register of deeds of Adams county to deliver certain records.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 5, A., a bill for an act to authorize the county of Sheboygan to loan its credit to purchase a poor farm, and erect buildings thereon.

Amendments concurred in.

Ordered to third reading.

Read the third time.

The question being on the passage of the bill.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Kingston, Pier, Proudfit, Smith, Virgin, Warren and Walsh—14.

None voting in the negative.

No quorum voting.

Senator Cook moved a call of the Senate.

Call was had.

The absentees were,

Senators Chase, Greulich, Hanchett, Joiner, Kimball, McClellan, Martin, Maxon, Schulteis, Simpson, Sutherland, Tucker, Wheeler and Worthington.

Leave of absence was granted to Senator Chase.

Several of the absentees coming in and there being a quorum present,

On motion of Senator Bennett, further proceedings under the call were dispensed with.

No, 5 A.

Passed.

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Hanchett, Joiner, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Virgin, Warren, Walsh—19.

Title agreed to.

On motion of Senator Walsh,

No. 308 S.

Was taken from general file and referred to committee on judiciary.

On motion of Senator Pier,

Senate adjourned.

SENATE CHAMBER, }
March 20th, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro tem. in the chair.

Roll of Senators called.

The absentees were Senators Chase, Chappell, Cook; Davis, Hanchett, Kimball, Martin, Maxon, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Warren and Wheeler.

There being no quorum present,

Senator Bean moved a call of the Senate.

Leave of absence was granted to Senators Chase, Kimball, Walsh, Schulteis and Davis.

Senators Chappell and Hanchett coming in, and there being a quorum present,

Further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED,

By Senator Smith.

Petition of John L. Brower, John N. Hardy and other residents of the village of Fox Lake, for a village charter,

Referred to committee on incorporations.

RESOLUTIONS.

Joint Resolution No. 43 S.

Resolved by the Senate, the Assembly concurring, That the Joint Committee on Judiciary be instructed to return to the Legislature the report of the Commissioners to revise the Statutes &c., without any recommendation, and that the Revision and Report of such Commissioners be made the special order at half past ten o'clock, A. M., of each and every day until finally disposed of, or otherwise directed.

Adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Worthington.

No. 316 S., A bill for an act to amend section 13 of an act in relation to Mills and Mill Dams.

To committee on judiciary.

By Senator Worthington.

No. 318 S., a bill for an act to incorporate the Bank Express Company.

To committee on incorporations.

By Senator Smith.

No. 315, S., a bill for an act to incorporate the village of Fox Lake.

To committee on incorporations.

By Senator Clark.

No. 317 S., a bill for an act to provide for the purchase of Supreme Court Reports for 1851 and 1852.

To Committee on Judiciary.

The Lieutenant Governor came in and took the chair.

COMMITTEE REPORTS.

By Senator Pier.

The committee on claims to whom was referred sundry bills and accounts, have had the same under consideration, and have directed me to make the following

REPORT:

No. 243 S., to appropriate \$250 to the chaplains of the Legislature is reported back without amendments, and its passage recommended.

No. 75 S. is reported back with an amendment, and when so amended, its passage recommended.

No. 86 A., for an act for the relief the county of Jackson.

The committee are of the opinion that there is no good reason why the claim of this county should be allowed, as the fault, if any, is in the officers of the county of Jackson, and besides there is not a shadow of evidence that the tax was increased, if increased at all, to the amount of \$400, or to any amount whatever. For these reasons the committee report back the bill with the recommendation that it be indefinitely postponed.

E. PIER, Chairman.

By Senator Bennett.

The select committee to whom was referred Assembly bill No. 78, entitled "an act to incorporate the Milton Institute, has had the same under consideration, and report it back with amendments, and when so amended recommend its passage.

A. T. BENNETT,

WORTHINGTON

of Select Committee.

On motion of Senator Bennett,

The rules were suspended for the purpose of considering No. 78 A., an act to incorporate the Milton Institute.

Amendment of select committee concurred in.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

By Senator Smith.

The committee on Education, School and University Lands, to whom was referred No. 312 S., a bill for an act to extend the time for distributing the School fund income for 1858, have had the same under consideration, and report the same back with the recommendation that it do pass.

WM. E. SMITH,

E. FOX COOK,

of Committee on Education, &c.

On motion of Senator Smith,

Rules suspended for the purpose of considering

No. 312 S., a bill for an act to extend the time for the distribution of the School Fund Income of this State for 1858.

Ordered to third reading.

Senator Proudfit offered a substitute for the bill.

Senator Giles moved a reference of bill and substitute to a select committee of three.

The motion prevailed.

Senators Giles, Proudfit and Clark were appointed such committee.

By Senator Worthington,

The committee on banks and banking to whom was referred

No. 270 S, a bill for an act for the protection of banking associations doing business under the laws of this State.

Report the same back, and a majority of said committee recommend that the bill do not pass.

D. WORTHINGTON,

Chairman.

March 20.

The joint committee on enrolled bills report, that they have examined and compared the following bills and find the same correctly enrolled.

No. 15 A, an act to lay out a state road in Monroe, Jackson and Clark counties.

No. 187 A, an act to amend section 1 of chapter 221 of the local laws of 1857, entitled An act to amend section 1 of chapter 366 of local laws of 1855.

No. 192 A, an act to appropriate to J. D. Welch, Sheriff of Dane county, the sum of money therein named.

No. 223 A, an act for the relief of school district No. 1, in Half Moon Lake township.

No. 469 A, an act to legalize the acts of the board of supervisors of the county of Monroe.

J. H. WARREN,

Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Joiner,

Committee on agriculture and manufactures, to whom was referred bill

No. 412 A, for the formation and protection of county agricultural societies.

Report the same back and recommend its passage.

L. W. JOINER.

By Senator Smith.

The joint committee on enrolled bills report that they have

this 20th day of March presented to the Governor for his approval, the following bills:

No. 8 S., an act to amend chapter 48 of session laws of 1856, in relation to lumber drifted on lands.

No. 16 S., an act to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

No. 223 S., an act to compel the State Treasurer to pay over to the county treasurer of Portage county, the school fund apportioned to said county for the year 1857 and 1858.

No. 25 A., an act to incorporate the Madison and Pheasant Branch gravel and McAdam road Co.

No. 263 S., an act to amend chapter 115 of the session laws of 1856, entitled an act to provide for the annual examination of the accounts of certain State officers.
Branch Gravel and McAdam Road Company.

No. 186 S., an act to appropriate to J. D. Welch the sum of eighty-seven dollars, and fifty cents.

No. 173 S., an act to appropriate to A. L. Sly, the sum of four hundred and seven dollars and fifty cents.

No. 204 S., an act to appropriate to J. C. Lewis, the sum of \$38 40.

No. 202 S., an act to appropriate to Joseph Shantz the sum of \$25.

No. 160 S., an act to appropriate to Tibbits & Gordon the sum of money therein named.

No 189 S., an act for the relief of the First Congregational Society in the town of Magnolia, in the county of Rock.

No. 171 S., an act to authorize the laying out of a State road therein named.

No. 203 S., an act to appropriate to Nathaniel Waterbury, the sum of thirty-eight dollars and forty cents.

No. 168 S., an act to authorize the laying out of a State road therein named.

WM. E. SMITH, Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Bean,

The committee on state affairs to whom was referred, bill No. 304 S, to authorize the commissioners of school and university lands to remit penalties in certain cases.

Have had the same under consideration, and report the same back to the Senate and recommend that the rules be suspended, and that the bill be considered at the present time.

S. C. BEAN,

For committee.

Report taken up and concurred in.

Rules suspended.

No. 304 S.

Senator Warren moved to refer to committee on legislative expenditures.

Upon the question of reference,

The ayes and noes being demanded and had, were as follows:

Ayes—Messrs. Pier, Virgin, Warren, Wheeler—4.

Noes—Messrs. Bean, Bennett, Chappell, Clark, Cook, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Proudfit, Simpson, Worthington—14.

Senate refused to commit.

Senator Giles moved to amend by striking out the fourth section of said bill.

Amendment agreed to.

Ordered to third reading.

Read the third time.

Passed,

By the following votes:

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Chappell, Clark, Cook, Greulich, Hanchett, Joiner, Kingston, McClellan, Mears, Proudfit, Simpson, Wheeler—14.

Those voting in the negative were,

Noes—Messrs. Giles, Pier, Virgin, Warren, Worthington

Title agreed to.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT:

I am directed by the Assembly to request the Senate to return to the Assembly for further consideration, bill

No. 2 S, a bill to change the time of holding the terms of the circuit court for Walworth county.

MR. PRESIDENT:

I am instructed to present to you for signature,

No. 515, a bill to appropriate to Atwood & Rublee the sum of \$3,623 21.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 488 A, a bill for an act to incorporate the village of Whitewater.

And,

Joint Resolution No. 22 A, in regard to printing in foreign languages.

In which the concurrence of the Senate is requested.

The Assembly have concurred in the Senate amendments to,

No. 123 A, a bill for an act entitled An act in relation to state roads—the same being chapter 44 of the session laws of 1853.

The Assembly have concurred in the passage of,

No. 226 S, a bill for an act to appropriate to Darwin Clark the sum of six dollars.

No. 114 S, a bill for an act to appropriate to the Madison gas light and coke company the sum of money therein named \$449 34.

MR. PRESIDENT:

I am directed to present for your signature,

No. 8 S., an act to amend chapter 48 of session laws of 1856, in relation to lumber drifted on lands.

No. 16 S., an act to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

No. 223 S., an act to compel the State Treasurer to pay over to the county treasurer of Portage county the school fund apportioned to said county for the year 1857 and 1858.

No. 25 A., an act to incorporate the Pheasant Branch Gravel and McAdam Road Company.

No. 268 A., an act to amend chapter 115 of the session laws of 1856 entitled an act to provide for the annual examination of the accounts of certain State officers.

No. 186 S., an act to appropriate to J. D. Welsh the sum of \$87 50.

No. 173 S., an act to appropriate to A. L. Sly the sum of \$407 50.

No. 204 S., an act to appropriate to J. C. Lewis the sum of \$38 40.

No. 202 S., an act to appropriate to Joseph Schantz the sum of \$25.

No. 189 S., an act for the relief of the First Congregational Society in the town of Magnolia, in the county of Rock.

No. 171 S., an act to authorize the laying out of a State road therein named.

No. 203 S., an act to appropriate to Nathaniel Waterbury the sum of \$38 40.

No. 160 S., an act to appropriate to Tibbits & Gordon the sum of money therein named.

No. 163 S., an act to authorize the laying out of a State road therein named.

Which have severally been signed by the Speaker.

No. 299 S., a bill for an act to amend an act entitled An act to incorporate the city of Beloit, approved March 31st, 1856.

No. 297 S., a bill for an act to amend the charter of the village of Manitowoc.

No. 296 S., a bill for an act to appropriate to Amasa Cobb, the sum of \$61 50.

An

Joint Resolution No. 42 S., inquiring of the State Printer in regard to printing the Statutes.

Without amendment.

The Assembly has indefinitely postponed.

No. 113 S., a bill for an act to amend chap. 52 of the Revised Statutes, relating to the incorporation of villages.

No. 117 S., a bill for an act to incorporate St. Aloysius Academy.

No. 208 S., a bill for an act to provide for the laying out a State road from the village of Argyle in the county of LaFayette, to the village of Darlington, in said county.

No. 2 S., a bill to change the time for holding the terms of the circuit court for Walworth county.

The Assembly insists on its amendment to

No. 115 S., A bill for an act to appropriate to John C. Bunner, the sum of three hundred dollars.

MESSAGES TAKEN UP.

No. 2 S., a bill to change the time of holding the terms of the circuit court for Walworth county.

Request of Assembly acceded to.

No. 115 S., an act to appropriate to John C. Bunner, the sum of 300.

Senator Mears moved that the Senate adhere to its disagreement with the Assembly.

The motion prevailed.

Senator Mears moved that a committee of conference be appointed on the part of the Senate.

Senator Simpson moved to amend that the Senate concur in the amendments of the Assembly.

Senator Mears withdrew the motion for a committee of conference.

Senator Chappell moved that the Senate recede from its vote adhering to its disagreement with the Assembly.

Upon this motion the ayes and noes being called for and ordered.

Those voting in the affirmative were :

Messrs. Bean, Chappell, Clark, Cook, Greulich, Joiner, Kingston, Pier, Proudfit, Simpson, Warren, Wheeler, Worthington—13.

Those voting in the negative were :

Messrs. Bennett, Boyd, Giles, Hanchett, McClellan, Mears, Smith, Virgin—8.

The motion prevailed.

Amendment of Assembly concurred in.

Joint Resolution No. 22 A.

Referred to committee on printing.

No. 488 A, a bill for an act to incorporate the village of Whitewater.

Referred to committee on incorporations.

Senator Bennett moved that when the Senate adjourn, it adjourn until half past seven o'clock Monday evening next.

Agreed to.

Leave of absence was granted to Senator Tucker for one week.

To Senator Greulich until Tuesday evening.

READ THIRD TIME AND PASSED.

No. 210 S, a bill to amend the act entitled An act to incorporate the city of Green Bay.

The ayes and noes being required,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Proudfit, Simpson, Tucker, Virgin, Warren, Wheeler, Worthington—22.

Senator Hanchett moved a suspension of the rules for the purpose of considering,

No. 277 S, a bill for an act to appropriate to Edward M. McGraw, States Prison Commissioner, the sum of \$3,500.

The question being on concurring with the amendments of the committee on claims.

Senator Wheeler moved reference to the committee on legislative expenditures.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Giles, Maxon, Simpson Worthington—6.

Noes—Messrs. Boyd, Hanchett, Joiner, Kingston, McClellan, Mears, Pier, Proudfit, Smith, Virgin, Warren, Worthington—12.

Senate refused to refer.

Upon the adoption of the amendments,

The ayes and noes being demanded,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Giles, Joiner, Maxon, Virgin, Warren—6.

Noes—Messrs. Bennett, Boyd, Hanchett, Kingston, McClellan, Mears, Pier, Proudfit, Simpson, Smith, Wheeler, Worthington—12.

The amendments were rejected.

Senator Hanchett moved to amend as follows :

Amend section 1 by striking out the word "five," in the fifth line, and insert the word "eight."

Amend further, by striking out the word "seven," in the ninth line, and insert the word "ten."

Not agreed to.

The question being on the passage of the bill and the ayes and noes being required.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Giles, Hanchett, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Warren, Wheeler, Worthington—16.

Those voting in the negative were :

Messrs. Bean, Virgin—2.

Passed.

Title agreed to.

On motion of Senator Maxon,

Rules suspended.

No. 428 A., an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

Taken up.

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

Senator Simpson moved to suspend the rules for the purpose of considering

No. 234 S., a bill for an act to consolidate and amend the act to incorporate the city of Portage and the several acts amendatory thereof.

The motion prevailed.

Amendments of Assembly concurred in.

On motion of Senator Bennett,

Senate adjourned until 7 1/2 Monday evening.

SENATE CHAMBER,
March 22d, 7 1/2 o'clock, P. M. }

Senate assembled.

President pro. tem., in the chair.

Roll of Senators called.

The absentees were Senators Chase, Greulich, Kimball, Martin, Schulteis, Tucker, and Worthington.

RESOLUTIONS INTRODUCED.

By Senator Proudfit, *from a committee*

Joint Resolution No. 44 S.,

Resolved by the Senate, the Assembly concurring, That the Governor be, and he is hereby authorizee to purchase of William B. Walton, the map of the State of Wisconsin, now in

use in the Senate chamber, at a price not exceeding \$300, Provided, that in his opinion said map is worth the price he may be required to pay, and that it is needed for the use of the State.

By Senator Davis,
Joint Res. No. 45 S.,

Resolved by the Senate, the Assembly concurring, That the joint committee appointed to visit the State University, of which Senator Clark is chairman, be instructed to make a careful examination of all the accounts and vouchers, for expenses of the University, for the year 1857.

Rules suspended.

Adopted.

By Senator Maxon,

Resolved, That the committee on judiciary be, and are hereby instructed to report back to the Senate, bills No. 372, A., and 207 S., and that said bills be made the special order of tomorrow morning at eleven o'clock.

Rules suspended.

Adopted.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Wheeler,

No. 319 S, a bill for an act to amend an act entitled An act in relation to public schools in the city of Oshkosh.

On motion Senator Wheeler,

Rules suspended,

For the purpose of taking up,

Nos. 319 S, and 86 A.

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 86 A, a bill for an act for the relief of the county of Jackson.

Taken from general file, and

Referred to committee on claims.

By Senator Hanchett,

No. 321 S., a bill for an act to create the office of Clerk of the State Prison, and to regulate the compensation of certain officers of such prison.

To general file.

By Senator Hanchett.

No. 322 S., a bill for an act to relieve the county of Portage from certain indebtedness to the State.

To committee on State affairs.

COMMITTEE REPORTS.

By Senator Sutherland.

The committee on education, school and university lands, to whom was referred

No. 133 S., a bill in relation to public schools in the city of Oshkosh,

Report the same back to the Senate and recommend that it be indefinitely postponed.

JAMES SUTHERLAND.

Chairman.

By Senator Clark.

The committee on incorporations beg leave to make the following report:

Bill No. 488 A., to incorporate the village of Whitewater, without amendment,

Also,

Bill 384 A., to amend the charter of the village of Delavan, without amendment.

Also,

Bill 315 S., to incorporate the village of Fox Lake, without amendment.

Also,

No. 283 S., a bill to provide for the incorporation of Academies and other institutions of learning, without amendment, and recommend their passage.

CLARK,

Chairman.

And report back.

Bill 383 A., to repeal the charter of the village of Geneva.

Also,

Bill 283 S., a bill to repeal the charter of the village of Delavan, and recommend that they be indefinitely postponed.

By Senator Smith,

The joint committee on enrolled bills report, that they, on the 22d inst., presented to the Governor for his approval, the following bills.

No. 15 A, an act to lay out a state road in Monroe, Jackson and Clark counties.

No. 83 A, an act to appoint commissioners to lay out a state road from Orion, Richland county, to Sparta in Monroe county.

No. 93 A, an act to amend the charter of the city of Beaver Dam.

No. 147 A, an act to authorize the laying out and establishing a state road from the village of Markesau, in the county of Marquette, to the town of Courtland, in Columbia county.

No. 187 A, an act amend section 1 of chapter 221 of the local laws of 1857, entitled an act to amend section 1 of chapter 366 of local laws of 1855.

No. 192 A, an act to appropriate to J. D. Welch, Sheriff of Dane county, the sum of money therein named.

No. 223 A, an act for the relief of school district No. 1, in Half Moon Lake township.

No. 469 A, an act to legalize the acts of the board of supervisors of the county of Monroe.

We also presented on the 20th,

No. 191 A, an act to appropriate to Sharp & Oakley the sum of money therein named.

WM. E. SMITH,
Of Senate Com.
GEO. C. SMITH
Of Assem. Com.

The joint committee on enrolled bills report they have examined the following bills, and find them correctly enrolled :

No. 191 S, an act to allow the city and town of Beloit to levy a tax for certain purposes therein named.

No. 234 S, an act to consolidate and amend the act to incorporate the city of Portage.

And the several acts amendatory thereof.

W. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assembly Com.

Message from his Excellency the Governor.

EXECUTIVE OFFICE, }
Madison, March 22, 1858. }

TO THE SENATE :

The following entitled bills, originating in the Senate, have severally received the Executive approval, and have been deposited in the office of the Secretary of State :

No. 67, S., to legalize the acts of the Board of Snpervisors of the town Brooklyn, in the county of Green.

No. 198, S., to authorize the Treasurer of School District No. 1, in the town of Port Washington, to receive county orders in payment of school district taxes.

No. 92, S., To legalize certain taxes therein named.

No. 217, S., for the apportionment of school money to School District No. 8, in the town of Greenfield, Milwaukee county.

No. 288, S., to amend chapter 239 of the private and local laws of 1852, being an act to incorporate the village of Lake Mills.

No. 145, S., to legalize the records of the office of Register of Deeds, in the county of Waupaca.

No. 153, S., To amend section 1 of chapter 264, of the private and local laws of 1857, entitled an act to incorporate the village of Waupaca.

No. 169, S., to appropriate to Andrew Bishop the sum of \$436.

No. 194, S., to repeal section 7 of chapter 99, of the general laws of 1857, entitled an act to change the fiscal year of the State of Wisconsin, and to amend an act relating to printing, approved April 19, 1852.

No. 199, S., to legalize the acts of certain officers in the county of Juneau.

No. 8, S., to amend chapter 48 of session laws 1856, in relation to lumber drifted on lands.

No. 16, S., to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

No. 160, S., a bill to appropriate to Tibbits & Gordon the sum of money therein named.

No. 173, S., a bill for an act to appropriate to A. L. Slye the sum of \$407.50.

No. 186, S., to appropriate to J. D. Welch the sum eighty-seven dollars and fifty cents.

No. 189 S., for the relief of the First Congregational Society, in the town of Magnolia, in the County of Rock.

No. 202, S., to appropriate to Joseph Schantz the sum of \$25.00.

No. 203 S., to appropriate to Nathaniel Waterbury the sum of \$38 40.

No. 204 S., to appropriate to J. C. Lewis the sum of \$38,40.

No. 223, S., to compel the State Treasurer to pay over to the County Treasurer of Portage county the school fund apportioned to said county for the year 1857 and 1858.

No. 263, S., to amend chapter 115 of the session laws of 1856, entitled an act to provide for the annual examination of the accounts of certain State officers.

ALEX. W. RANDALL.

MESSAGE FROM THE ASSEMBLY.

TO HON. E. D. CAMPBELL,

Lieut. Governor and President of the Senate.

Sir:

I am directed by the Assembly to furnish to you the following copy of a Resolution this day adopted by the Assembly. viz:

Resolved: That the Assembly will receive from the Senate, messages, though the Senate may not be in session, when the same may be delivered to the Assembly. And that the presiding officer of the Senate be furnished with a copy of the resolution."

Very Respectfully,

L. H. D. CRANE.

Chief Cl'k Assembly.

Assembly Chamber, March 20th, 1858.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 234 S., an act to consolidate and amend the act to incorporate the City of Portage, and the several acts amendatory thereof.

With an amendment in which the concurrences of the Senate is requested.

I am further directed to present to you for your signature, the following bills &c.

No. 83 A., an act to appoint commissioners to lay out a state road from Orion, Richland County to Sparta in Monroe Co.

No. 147 A., an act to authorize the laying out and establishing a state road from the Villiage of Markson, in the County of Marquette, to the town of Courtand in Columbia County.

No. 93 A., an act to amend the Charter of the City of Beaver Dam.

No. 191 A. an act to appropriate to Sharp and Oakley the sum of money therein named.

No. 223 A., an act for the relief of School District number one in Halfmoon Lake township.

No. 15 A., an act to lay out a state road in Monroe, Jackson and Clark Counties.

No. 187 A. an act to amend section one of chapt. 221, of the local laws of 1857, entitled an act to amend section one of chapter 365 of local laws of 1855.

No. 192 A., an act to appropriate to J. D. Welch, Sheriff of Dane County the sum of money therein naemd.

No. 469 A., an act to legalize the acts of the Board of Supervisors of the County of Monroe.

Which have been signed by the Speaker.

On motion,

Senate resolved itself into,

COMMITTEE OF THE WHOLE,

On the general file.

Senator Simpson in the chair.

After some time spent therein committee rose and through the chairman reported back Nos. 215 A., 249 A., and No. 165 S., without amendment and recommend passage.

No. 345 A., with recommendation not to pass.

And, *John D. Welch, Sheriff, Dane County, Wis.*

No. 267 S., reported progress and asked leave to sit again.

P. B. SIMPSON,

Chairman.

Report taken up.

No. 267 S., an act to provide for the sales and disposal of the swamp and overflowed lands.

Leave to sit again was granted.

INDEFINITELY POSTPONED.

No. 345 A., a bill for an act relating to trespasses upon grounds occupied by agricultural and other societies for show on exhibition.

ORDERED ENGROSSED AND READ THIRD TIME.

No. 165 S., a bill for an act legalizing the proceedings of a school meeting held in school district No. 2, in the town of Belvidere in Buffalo county, on the 28th of December, A. D. 1857, for the purpose of levying a school tax in said town.

No. 249 S., a bill for an act to incorporate the Menasha and St. Croix River Rail Road Company.

ORDERED TO THIRD READING.

No. 215 A., a bill for an act to repeal a part of chapter

323 of the session laws of 1867, being an act entitled an act to authorize certain towns in Waupaca and Waushara counties to aid in the construction of a railroad.

Senator Clark moved a suspension of the rules for the purpose of considering.

No. 295 S, a bill for an act to appropriate to Bliss, Eberhard & Festner, the sum of \$1,479 04.

Motion prevailed.

Rules suspended.

Senator Simpson moved to adjourn.

The ayes and noes being called for and ordered, were a follows:

Ayes—Messrs. Bean, Bennett, Kimball, Kingston, Simpson, Smith, Sutherland, Wheeler—8.

Noes—Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Walsh—14.

Senator refused to adjourn.

Senator Wheeler moved a call of the Senate.

Not seconded—

Senator Bean moved to refer to the committee on claims.

Senator Joiner moved that the bill be referred to the committee on claims, with instructions to strike out all items not authorized by law, and report all other articles without any reductions.

Senator Simpson moved to postpone further consideration of the bill until to-morrow evening, at 7 1-2 o'clock, and that it be made the special order for that hour.

The ayes and noes being called for and ordered,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Simpson, Wheeler—4.

Those voting in negative were,

Noes—Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Walsh—17.

Senate refused to postpone.

Senator Cook moved the previous question.

Senator Bean moved to adjourn.

The ayes and noes being demanded those voting in the affirmative were :

Ayes.—Messrs. Bean, Bennett, Kingston, Simpson, Smith, and Wheeler—6.

Those voting in the negative were :

Noes.—Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Sutherland, and Walsh—15.

Senate refused to adjourn.

Senator Cook renewed the motion for the question.

Senator Bean moved a call of the Senate.

Call was had.

The absentees without leave were Senators Hanchett, Kimball, Virgin, Warren and Worthington.

Senator Clark moved that further proceedings under the call be dispensed with.

The ayes and noes being demanded,

Those voting in voting in the affirmative were :

Senators Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, and Walsh.—14.

Those voting in the negative were :

Senators Bean, Bennett, Kingston, Simpson, Smith, Sutherland, and Wheeler—7.

Not agreed to.

The Sergeant-at-Arms was directed to bring in the absentees.

Senator Sutherland moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Kingston, Simpson, Smith, Sutherland and Wheeler—7.

Those voting in the negative were :

Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier and Proudfit—14.

Senate refused to adjourn.

Senator Davis moved that further proceedings under the call be dispensed with.

Senator Bean moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bean, Bennett and Simpson—3.

Those voting in the negative were :

Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Walsh and Wheeler—18.

Senate refused to adjourn.

Senator Cook called for the previous question.

The ayes and noes being demanded were as follows :

Ayes—Messrs. Boyd, Chappell, Clark, Cook, Giles, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Walsh and Wheeler—14.

Noes—Messrs. Bean, Bennett, Chase, Davis, Joiner, Kingston and Simpson—7.

The called was sustained.

Senator Bean moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Kingston, Simpson, Wheeler—5.

Those voting in the negative were :

Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Walsh—16.

Senate refused to adjourn.

The question being, "shall the main question be now put."

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Walsh—16.

Those voting in the negative were :

Messrs. Bean, Bennett, Joiner, Kingston, Wheeler—5.

The main question was ordered,

And question recurred upon the motion of Senator Joiner, to refer.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Chase, Joiner, Kingston, Wheeler—6.

Noes—Messrs. Boyd, Chappell, Clark, Cook, Davis, Giles, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Walsh—15.

Senate refused to refer.

Bill ordered to third reading.

The question being on the passage of the bill,

The ayes and noes were demanded and had.

Those voting in the affirmative were,

Ayes—Messrs. Boyd, Chappell, Clark, Cook, Davis, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Walsh—14.

Those voting in the negative were,

Noes—Messrs. Bean, Bennett, Chase, Giles, Hanchett, Joiner, Kimball, Kingston, Wheeler—9.

Passed.

Senator Bean moved to amend the title by striking out the word "appropriate," and insert "give."

The amendment was rejected.

Senator Clark moved a reconsideration of the vote passing the bill.

Senator Kimball moved to lay the motion to reconsider upon the table.

The ayes and noes being demanded and had, were as follows:

Ayes—Messrs. Bean, Bennett, Chase, Hanchett, Joiner, Kimball, Kingston, Wheeler—8.

Noes—Messrs. Boyd, Chappell, Clark, Cook, Davis, Giles, McClellan, Maxon, Mears, Pier, Proudfit, Simpson, Smith, Sutherland, Walsh—15.

Not agreed to.

Senator Bean moved to adjourn.

The ayes and noes being called for and ordered, were as follows :

Ayes.—Messrs. Bean, Bennett, Chappell, Chase, Hanchett, Joiner, Kimball, Kingston, Pier, Simpson, Smith and Wheeler.—12.

Noes.—Messrs. Boyd, Clark, Cook, Davis, Giles, McClellen, Maxon, Mears, Proudfit, Sutherland and Walsh.—11.

The motion prevailed.

Senate adjourned.

SENATE CHAMBER, }
March 23d, 9 o'clock, A. M. }

Senate assembled.

Senator Giles, President pro tem., in the chair.

Prayer by Rev. Mr. Millour.

Roll of Senators called.

The absentees were Senators Chappell, Clark, Cook, Greulich, Martin, Maxon, Schulteis, Simpson, Tucker, Walsh and Worthington.

RESOLUTIONS INTRODUCED.

By Senator Davis.

No. 100, S.

Resolved, That Senators Bean, Wheeler and Joiner be appointed a select committee to prepare a bill for a general law providing for the purchase of all stationery required for the use of the Senate.

DAVIS.

Rules suspended.

Senator Bennett offered the following amendment :

Provided that such law can be made sufficiently stringent to be of any avail.

Agreed to.

Resolution as amended adopted.

Resolution No. 92, S., instructing Judiciary Committee to report Revised Statutes, laid over from Friday,

Was laid on the table.

Joint Resolution No. 44, S.

Resolved by the Senate, the Assembly concurring, That the Governor be, and he is hereby authorized to purchase of William B. Walton, the map of the State of Wisconsin now in use in the Senate Chamber, at a price not exceeding \$500, provided that in his opinion said map is worth the price he may be required to pay, and that it is needed for the use of the State.

Referred to Committee on Contingent Expenses.

Senator Davis, on leave, presented the account of J. H. Preus, against the State.

Referred to Committee on Claims.

BILLS INTRODUCED,

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Virgin.

No. 320, S., an act changing the time of holding the Circuit Court in Grant and LaFayette counties.

To Committee on Judiciary.

By Senator Hanchett.

No. 323, S., a bill for an act concerning injunctions in certain cases.

To Committee on Judiciary.

Messages from the Assembly.

MR. PRESIDENT—

I am directed to present for your signature,

No. 334, S., an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof.

And,

No. 191, S., an act to allow the city and town of Beloit to lay a tax for certain purposes therein named.

Which have been severally signed by the Speaker.

BILLS ON THIRD READING.

No. 215, A., a bill for an act to repeal a part of chapter 323, of the session laws of 1857, being an act entitled an act to authorize certain towns in Waupaca and Waushara counties to aid the construction of a railroad.

Read third time.

Passed.

On motion, Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering

No. 267, S., an act to provide for the sales and disposal of the swamp and overflowed lands, in which the committee had previously made progress, and had leave to sit again.

Senator Simpson in the chair.

After some time spent in the consideration of said bill,

Committee rose and reported back,

No. 267, S., with amendments, and recommended passage when so amended.

Report taken up.

Amendment of Committee concurred in.

Senator Kingston moved to amend section 17 of the bill, by striking out the words "Justices of the Peace and Constables."

Not agreed to.

Bill ordered engrossed and read the third time.

On motion Senate went into

COMMITTEE OF THE WHOLE

on the general file.

Senator Sutherland in the chair.

After some time spent therein

Committee rose and reported.

Nos. 383, A., 283, S., and No. 133, S.

With recommendations to postpone indefinitely.

No. 488, A., and 384, A.,

Without amendments, and recommend passage.

No. 281, S., and No. 245, S.,

With amendments.

SUTHERLAND,

Chairman.

Report taken up.

No. 245, S., a bill for an act to amend the charter of the Madison, Fond du Lac & Michigan Railroad Company.

Amendment of committee concurred in.

No. 383. A., a bill for an act to repeal an act entitled, "an act to incorporate the village of Geneva, being chapter 301 of the private and local laws of 1856.

And,

No. 283, S., a bill for an act to repeal an act to incorporate the village of Delavan, approved March 1st, 1856.

Indefinitely postponed.

No. 488, A., a bill for an act to incorporate the village of Whitewater.

Senator Simpson moved to amend by striking out section 49 of the bill.

The ayes and noes being demanded

Those voting in the affirmative were,

Messrs. Cook, Kingston, Maxon, Mears, Pier, Proudfit, Simpson, Sutherland, Virgin, Walsh and Wheeler—11.

Those voting in the negative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Hanchett, Joiner, McClellan, Smith and Warren—13.

The amendment was rejected.

Ordered to third reading.

No. 281, S., a bill to provide for the incorporation of Academies and other Institutions of learning.

Amendments of committee concurred in.

No. 384, A., a bill for an act to amend chapter 344, of the private and local laws of the year A. D., 1856, entitled an act to incorporate the village Delavan,

Ordered to third reading.

No. 133, S., a bill in relation to common schools in the city of Oshkosh.

Indefinitely postponed.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 7, S., a bill to amend chapter 49, of the Revised Statutes, entitled, "of the alienation by deed of the proof and recording of conveyances, and the cancelling of mortgages."

Memorial 18, S., Memorial for mail route from Mauston in Juneau county, to Viroqua in Bad Ax county.

I am directed to return to the Senate,

No. 234, A., a bill for an actto appropriate to Joseph Keys, a sum of money therein named,

In accordance with the request of the Senate.

The Assembly has passed,

No. 271, A., a bill to amend an act entitled, "an act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof," approved March 2, 1857.

In which the concurrence of the Senate is requested.

On motion of Senator McClellan,

Rules suspended for the purpose of considering the message and also to take from the general file

No. 288, A., and No. 271, A.,

Read first and second times.

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

No. 228, A., a bill for an act to amend an act entitled, "an act to incorporate the village of Burlington, in Racine county, approved March 31st. 1855.

Ordered to third reading.

Read the third time.

Passed,

Title agreed to.

SPECIAL ORDER.

Senator Chase submitted the following

REPORT.

The Judiciary Committee report back bills No. 372, A., declaratory of the rights of defense of mortgages in certain cases: also No. 207, S., in obedience to a resolution passed last evening. The committee make no recommendations on these bills for the following reasons:

No. 372, A., was received by the committee on the 18th instant. Up to the time the said resolution was passed, this bill had not been reached by the committee in their file of bills. The Senate continued in session last night until after eleven o'clock, and up to this time no opportunity has been given to the committee to properly examine this bill. A partial examination of it shows it to contain very important provisions, deeply affecting, as well the interests of Railroad Companies, as the rights of those who hold real estate securities for monies, iron, machinery, or other articles of value advanced or loaned to said companies; also concerning the rights, of persons who have issued mortgages to or for the use of Railroad Companies. Some of the legal points involved in the bill are also worthy of the most careful scrutiny. Further time herefore, would be required by your committee in order to make a well defined report.

No. 241, S., for an act to provide for the relief of persons by the foreclosure of mortgages in certain cases, which was received by the committee on the 19th inst., and also No 207, S., for an act to provide for the payment of interest money on private mortgages made to Railroad companies, to secure the payment of money obligations given in payment for stocks of any such company, being bills of the same subject matter as bill No. 372 A., but containing other and extensive provisions, are herewith reported in the same manner.

Your committee, in the consultation they have had upon these bills, could not agree.

C. S. CHASE, Chairman.

On motion Senate went into

COMMITTEE OF THE WHOLE

For the purpose of considering

No. 372, A., and No. 207, S., special order for 11 o'clock, Senator Bean in the chair.

After spending some time in the consideration of said bills, the committee rose and reported back,

No. 372 A., a bill for an act declaratory of the rights of defence of mortgages in certain cases, with amendments and recommendation to print.

No. 207, S., reported progress and asked leave to sit again.

BEAN, Chairman.

Report taken up.

No. 372, A., recommendation of committee concurred in. Ordered printed.

No. 207, S. leave to sit again granted.

Senator Bean, on leave, submitted the following

REPORT.

The Committee on Town and County Organizations, to whom was referred bill No. 305, S., 397 and 144, A., having had the same under consideration, have authorized me to report them back to the Senate and recommend their passage.

S. C. BEAN, Chairman.

Senator Warren submitted the following

REPORT.

Committee on Enrolled Bills report that they have examined and compared, and find correctly enrolled, bill

No. 17 S., Memorial to Congress for a mail route from La Crosse, in LaCrosse county, to Prescott, in Pierce county.

No. 40 S., Joint resolution concerning the admission of Minnesota into the Union.

No. 157 S., an act to repeal chapter 367, of the private and local laws of the year 1857.

No. 38 S., an act to change the time for holding Circuit Courts in the county of Adams, and to fix the time for holding the same in the county of Juneau.

No. 54 S., an act to legalize the assessment and assessment roll of the city of LaCrosse.

No. 115 S., an act to appropriate to John C. Bunner the sum of three hundred dollars.

No. 140 S., an act to authorize the laying out a State road therein named.

No. 105 S., an act to incorporate the Chippewa Falls Bridge Company.

No. 182 S., an act to authorize the State Superintendent to apportion money to certain school districts.

No. 114, S., an act to appropriate to the Madison Gas Light and Coke Company, the sum of \$449 34.

J. H. WARREN Senate Com.

GEO. C. SMITH, Assem. Com.

On motion Senator Wheeler,
Senate adjourned.

SENATE CHAMBER, }
March 24, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor in the chair.

Rev. Mr. Britton officiated as chaplain.

Roll of Senators called.

The absentees were,

Senators Chappell, Clark, Proudfit, Simpson, Tucker, Wheeler and Worthington.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Proudfit.

A petition of the citizens of Mazo Mania, asking for a division of Dane, Iowa and Sauk counties, and that a new county be organized, with Mazo Mania for the County Seat.

Referred to committee on town and county organization.

ACCOUNTS.

By Senator Warren,

Account of J. B. Condry, Sheriff of La Crosse Co., against the State, \$476,50.

To committee on claims.

RESOLUTIONS INTRODUCED.

By Senator Bennett.

Joint Resolution

No. 46 S., *Whereas*, Senate bill No. 299, to amend the charter of the City of Beloit, has passed both branches of the Legislature, and is now in the hands of the joint committee on enrollment. And

Whereas, said bill is ascertained to be so far defective as to render it desirable that it do not become a law;

Therefore,

Resolved by the Senate, the Assembly concurring, That the joint committee on enrollment be instructed to return to the Chief Clerk of the Senate, bill

No. 299 S., entitled, A bill to amend an act entitled, an act to amend an act entitled an act to incorporate the City of Beloit, approved March 31st, 1856; and that the Chief Clerk of the Senate be instructed to retain said bill in his possession.

Rules suspended.

Resolutions adopted.

Joint Resolution No. 47 S.,

By Senator McClellan,

Resolved, by the Senate the Assembly concurring, That so much of the Constitution of this State as is contained in article four, under the head Legislative, section twenty-five, be stricken out of said Constitution as soon as may be, by process of law.

Resolved, That so much of article five, section five, under the head, Executive, be so amended as to read, instead of one thousand two hundred and fifty, three thousand dollars.

Resolved, Further, that so much of article thirteen, as is contained in section seven, of said article, be stricken out as soon as may be by due process of law.

Resolved, Further, that thereafter section twenty-five, article four, and section seven, article thirteen, shall form no part of the Constitution of this State, and that section five, article five, as amended shall form a part of said Constitution.

BILLS INTRODUCED,

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bennett.

No. 324 S., a bill to amend an act entitled An act to amend and an act to [incorporate the village of Beloit, approved March 31st, 1856.

On motion of Senator Bennett,

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Virgin, Walsh
—21.

Title agreed to.

By Senator Clark.

No. 325 S., a bill for an act to establish a State road from Reedville in Manitowoc county to Lake Winnebago.

To committee on roads, bridges and ferries.

By Senator Giles,

No. 326 S., a bill for an act to repeal chapter 338 of the private and local laws of the year 1857, entitled An act to

authorize certain towns in the counties of Rock and Dane to aid in the construction of the Beloit and Madison railroad.

To general file.

By Senator Davis,

No. 327 S, A bill for an act to authorize the Secretary of State to audit certain accounts.

To committee on claims.

By Senator Bennett,

No. 328 S, a bill to legalize the survey and map of the third and fourth wards in the city of Beloit, made by Edward F. Hobart, and to make said map evidence in certain in all courts and places.

To committee on judiciary.

By Senator Davis,

No. 329 S, a bill for an act to provide for the election of Directors of the La Crosse and Milwaukee Railroad Company.

On motion of Senator Hanchett,

Made special order for 10 o'clock to-morrow morning.

By Senator Cook,

No. 330 S, a bill for an act to amend section 1 of chapter 143 of the revised statutes, relating to the demand for fugitives from justice, and proceedings thereon.

To committee on state affairs.

MEMORIAL.

By Senator Martin,

Mem. No. 21 S, a memorial to the Post Master General for a mail route.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

COMMITTEE REPORTS.

By Senator Joiner,

Report of the committee on Agriculture, Manufactures, and School and University lands.

Your committee to whom was referred the bill to establish an agricultural college, having had the same under careful revision, ask leave to report it back with the following amendments, and when so amendment, recommend its passage.

Substitute in lieu of Sec. 2, the following, to wit:

For the purchase and improvement of the requisite lands and building site for said Institution, there is hereby appropriated the sum of ten thousand dollars, payable as herein after prescribed. Provided, that on or before the first day of January A. D., 1859, an equal amount shall be secured to be paid on private subscription within the year, A. D., 1859.

Amend by striking out the third section, and inserting therefor the following, to wit:

There is also hereby appropriated twenty per cent. of the income of the fund arising from the sales of the swamp and overflowed lands that have been already sold and twenty per cent of the income of the fund arising from the sales of such lands as are hereafter to be sold, as a fund for the exclusive use of the aforesaid Institution for the term of ten years from and after the first of January 1859 and payable annually as hereinafter prescribed, out of that portion of the swamp land fund income, heretofore specially set apart for school purposes by the provisions of an act entitled an "act to provide for the disposal and sale of the swamp and overflowed lands," approved Oct. 11th 1856; which twenty per cent. shall be devoted to the erection of suitable buildings, to the purchase of suitable furniture, apparatus, cabinets, library, tools and implements, and to the maintenance of a Board of Instruction.

Amend section 4, by striking out all after the words "in every respect" and substituting therefor, the following, to wit: and if, on or after the first day of February, 1859, it shall be made to appear to the Secretary of State that the sum of ten thousand dollars has been paid or secured to be paid into the treasury of the Institution, on private subscriptions, as provided in sec. 2 of this act, then the said Secretary

of State, shall issue his warrant upon the State Treasury for the amount of ten thousand dollars, payable out of the general fund; and the said certificates and affidavits shall be filed in the office of the Secretary of State.

Amend sec. 7, by inserting between the words "power" and "may" in the 15th line, the words "created by this act."

Amend sec. 8, by striking the words 'from this State,' in the first line of said section, and inserting after the word "pupils," in said line, the following, to wit: who shall have resided in this State, twelve months next preceding application for admission; and by adding, at the end of the 8th line, the following proviso, to-wit: Provided, that no pupils shall be admitted for instruction who have not attained to the age of fourteen years.

Amend section 11, by striking out the word "described" and inserting, in lieu thereof, the word, prescribed.

Amend Sec. 12, by striking out the first and second lines thereof in the printed bill, and substituting therefor the following, to wit:

The President of the Institution shall be a member ex-officio of the Board of Control; shall preside at all meetings of the Board of Instruction, except in cases of sickness or absence, in which case the Board.

Your committee are fully persuaded that the interests of this State and the sentiment of a large majority of its people demand an institution like that provided for in this bill, now again presented for the consideration of the Senate; and believing that as modified by the foregoing amendments, the act contemplated would secure the establishment of a needed and valuable Institution, without embarrassing the finances of the State, they therefore earnestly and unanimously recommend the adoption of the amendments, and the subsequent passage of the bill.

Signed,

L. W. JOINER,

Chairman,

Senator Clark moved that No. 108 S, be made the special order for Thursday, to-morrow, evening, at 7 1-2 o'clock.

Agreed to.

By Senator Warren,

Committee on engrossed bills report correctly engrossed, Bills No. 165 S, and No. 249 S.

J. H. WARREN.

Chairman.

By Senator Warren,

Committee on enrolled bills report, that they have examined and compared, and find correctly enrolled, bills

No. 442 A, an act to legalize the official acts of John W. Hall, a justice of the peace, of the town of Forest in the county of Fond du Lac.

No. 61 A, a bill concerning the county seat of Adams county.

No. 205 A, a bill for an act to lay out a state road from New London, in Waupaca county, to Peterson's Mills, in Shawano county.

No. 123 A, a bill for an act to amend an act entitled An act in relation to state roads, the same being chapter 44 of the session laws of 1853.

No. 320 A, a bill for an act to appropriate to J. S. Webster the sum of \$18.

No. 409 A, a bill for an act to provide for investigating the origin of fires in the city of Milwaukee.

No. 247 A, an act to repeal an act entitled An act to prevent the destruction of fish in the county of Waukesha.

No. 217 A, a bill for an act to amend chapter 437 of the private and local laws of 1856, entitled An act to incorporate the village of Weyowega.

J. H. WARREN,

Senate Com.

GEO. C. SMITH,

Assembly Com.

By Senator Smith,

The joint committee on enrolled bills report that they on the 23d inst presented to the Governor for his approval, the following bills:

No. 191 S, an act to allow the city and town of Beloit to levy a tax for certain purposes therein named.

No. 234 S, an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof.

WM. E. SMITH,
Of Senate Com.
GEO. C. SMITH,
Of Assem. Com.

By Senator Davis.

A majority of the committee to whom was referred No. 242 S., a bill to establish a better system for keeping and managing the school, university and swamp land funds, and to amend chapter 24, of the Revised Statutes, entitled, "of school and university lands, the sale and superintendence thereof, of the investment of the funds arising therefrom, and the powers and duties of the commissioners of said lands," have considered the same and report it back to the Senate with sundry amendments, and when the amendments are adopted, the undersigned recommend the passage of the bill.

M. M. DAVIS,
S. C. BEAN.

Senator Sutherland moved that No. 242 S., be made the special order for 11 o'clock to-morrow morning.

The motion prevailed.

By Senator Joiner.

Committee on agriculture and manufactures, to whom was referred bill No. 404 A., beg leave to report the same back with an amendment, and when so amended, recommend its passage.

L. W. JOINER,
Chairman.

By Senator Pier.

The committee on claims, to whom was recommitted No. 86 A., "for the relief of the county of Jackson," have had the same under consideration, and have directed me to report the same back to the Senate, without amendments and without any further recommendation.

E. PIER,
Chairman.

By Senator Chase.

The judiciary committee report back bills [No. 239 S., to regulate the time for the sale of the delinquent lands in the counties of Adams and Juneau for taxes; with an amendment and recommend its passage, when so amended. 36 A., for an act to vacate the village of Richfield, in the county of Washington, and, 51 S., to authorize the board of trustees of the village of Plattville, to lease the public square, and recommend their indefinite postponement.

C. S. CHASE,
Chairman.

By Senator Clark.

The committee on incorporations report back Senate bill No. 318, An act to incorporate the Bank Express Company, with an amendment, and when so amended, recommend its passage.

CLARK.

ASSEMBLY MESSAGES.

MR. PRESIDENT:—

I am directed to inform you that the Assembly have passed

No. 446 A., a bill for an act to amend chapter 40 of the local laws of 1857, entitled an act to incorporate the village of Jefferson, Jefferson Co.

Mem. No. 241 A., Memorial to the Post Office Department relative to increase of services on mail route No. 13,149.

No. 481 A., a bill for an act to legalize the acts of the First Universalist Church and Society, in the town of Palmyra, County of Jefferson.

No. 375 A., a bill for an act to appropriate to J. L. Jenckes, the sum of \$28,20.

No. 288 A., a bill for an act to legalize the acts of the Congregational Society of Fort Atkinson.

No. 324 A., a bill for an act relating to taxes and fines due from railroad and plank road companies.

No. 543 A., a bill for an act to authorize the Speaker to certify to the per diem and mileage of Hon. Duncan E. Cameron.

No. 542 A., a bill for an act to amend an act entitled an act to divide the county of Marquette, and erect the county of Green Lake, approved March 5th, A. D. 1858.

And, *with amendments*

No. 541 A., an act to amend chapter 132 of the private and local laws of 1857, entitled An act to incorporate the city of Appleton.

In which concurrence of Senate is requested.

The Assembly have concurred in the passage of,

No. 319 S., a bill for an act to amend an act entitled, "an act in relation to public schools in the city of Oshkosh.

No. 158 S., a bill to appropriate to C. W. Cook the sum of money therein named.

J. R. No. 45 S., Instructing joint committee to visit State University to examine vouchers, &c.

J. R. No. 43 S., Instructing judiciary committee to report revised statutes, without recommendation.

Without amendment.

The Assembly has also concurred in the passage of,

No. 221 S., a bill to provide for an act to provide for the payment of the clerks of the joint standing committees of investigation.

No. 149 S., a bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

No. 230 S., a bill for an act to fix the compensation of witnesses attending upon Legislative committees.

With amendments, and,

amendments to

The Assembly insists upon its amendments to,
No. 159 S., a bill to appropriate to trustees of the Baptist Society of Madison the sum therein named.

MR. PRESIDENT—

I am directed to present for signature :

Mem., No. 17, S., memorial to Congress for a mail route from La Crosse, in La Crosse county, to Prescott, in Pierce county.

No. 38, S., an act to change the time for holding circuit courts in the county of Adams, and to fix the time for holding the same in the county of Juneau.

J. R., No. 40, S., concerning the admission of Minnesota into the Union.

No. 54, S., an act to legalize the assessment and assessment roll of the city of LaCrosse.

No. 105, S., an act to incorporate the Chippewa Falls bridge company.

No. 114, S., an act to appropriate to the Madison gas light and coke company the sum of money therein named, to wit : \$449 34.

No. 115, S., an act to appropriate to John C. Bunner the sum of \$300.

No. 140, S., an act to authorize the laying and establishing a state road therein named.

No. 157, S., an act to repeal chapter 367 of the private and local laws for the year 1857, entitled an act to amend an act entitled an act to incorporate the village of Port Washington.

No. 182, S., an act to authorize the State Superintendent to apportion money to certain school districts therein named.

No. 61, A., an act concerning the county seat of Adams county.

No. 123, A., an act to amend an act, entitled an act in relation to state roads, the same being chapter 44 of the session laws of 1853.

No. 205, A., an act to lay out a state road from New Lon-

don, in Waupaca county, to Peterson's Mill, in Shawanaw county.

No. 217, A., an act to amend chapter 437 of the private and local laws of 1856, entitled an act to incorporate the village of Weyauwega.

No. 247 A, an act to repeal an act entitled an act to prevent the destruction of fish in the county of Waukesha.

No. 320 A, an act to appropriate to J. S. Webster the sum of \$18.

No. 409 A, an act to provide for investigating the origin of fires in the city of Milwaukee.

No. 442 A, an act to legalize the official acts of John W. Hall, a justice of the peace of the town of Forest, in the county of Fond du Lac.

No. 105 A, an act relating to the crime of perjury.

No. 240 A, an act to authorize joint school district No. 11, of the town of Portland and Waterloo, to collect a tax therein named.

No. 259 A, an act to legalize a State road leading from Sparta to Richmond.

No. 356 A, an act to appropriate to Matthias Greepbaum the sum of \$235.

No. 376 A, an act to appropriate to Muldoon & Crampton the sum of \$10 13.

No. 377 A, an act to appropriate to Alvah Nash the sum of \$25.

No. 406 A, an act to appropriate to Messrs. Colwell & Co. the sum therein named.

No. 420 A, an act to appropriate to H. G. Dodge the sum of \$11 25.

No. 421 A, an act to appropriate to E. W. Gardiner the sum of \$47.

No. 478 A, an act to appropriate to Ellen Haley the sum of twelve dollars and fifty cents.

No. 479 A, an act to appropriate to J. C. Squires the sum of sixteen dollars and fifty cents.

No. 5 A, an act to authorize the county of Sheboygan to loan its credit to purchase a poor farm and erect buildings thereon.

No. 88 A, an act to provide for a special tax to improve a road therein named.

No. 302 A, an act to amend an act entitled An act to incorporate the city of Mineral Point, approved March 2d, 1857.

No. 296 S, an act to appropriate to Amasa Cobb the sum of sixty dollars and fifty cents.

Which have been severally signed by the Speaker.

MESSAGES TAKEN UP.

No. 234 A., a bill for an act to appropriate to Joseph Keys, the sum of money therein named,

Senator Davis moved to refer to joint standing committee on investigation.

Senator Cook moved to amend by instructing committee to report upon the same this week.

Senator Davis moved to lay the bill and whole subject on the table.

The ayes and noes being called for and ordered,

Those voting in the affirmative were

Messrs. Boyd, Chappell, Clark, Cook, Davis, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Proudfit, Schulteis, Sutherland, Virgin, Warren.—16

Those voting in the negative were

Messrs. Bean, Bennett, Chase, Giles, Joiner, Kimball, McClellan, Pier.—8.

The motion prevailed.

Laid on the table,

No. 221 S., a bill to provide for the payment of the expenses of committee of Investigation.

The question being on concurring in the amendments of the Assembly.

Senator Chase moved a call of the Senate.

The call was had,

The absentees without leave, were Senators Chappell and Proudfit.

On motion of Senator McClellan,

Further proceeding under the call dispensed with, by unanimous consent.

The question recurring upon agreeing to the amendment of the Assembly.

The ayes and noes were demanded.

Those voting in the affirmative were :

Messrs. Bennett, Chase, Giles Greulich, Kimball, McClellan, Martin, Maxon, Pier, Proudfit, Schulteis, Sutherland, Virgin, Walsh—14.

Those voting in the negative were :

Messrs. Bean, Boyd, Clark, Cook, Davis, Hanchett, Joiner, Kingston, Mears, Smith, Warren—11.

The amendment was concurred in.

Senator Chase moved to re-consider the vote just taken, and called for the ayes and noes.

Senator Bean moved a call of the Senate.

Call was had.

Senator Chappell was absent without leave.

The Sergeant-at-Arms was dispatched for the absentee.

Senator Chase moved to dispense with further proceedings under the call.

Not agreed to.

Senator Sutherland asked the unanimous consent to introduce a bill.

Leave was not granted.

Senator Kimball moved to dispense with further proceedings under the call, and called for the ayes and noes on the motion.

Pending which,

The Sergeant-at-arms reported all the members present, except those having leave.

The call was suspended.

Senator Chase withdrew the motion for reconsideration.

Senator Greulich renewed the motion.

The ayes and noes being called for and ordered.

Those voting in the affirmative were :

Messrs. Bean, Boyd, Chappell, Clark, Cook, Davis, Hanchett, Joiner, McClellan, Mears, Smith, Sutherland—12.

Those voting in the negative were :

Messrs. Bennett, Chase, Giles, Greulich, Kimball, Kingston, Martin, Maxon, Pier, Proudfit, Schuteis, Virgin, Walsh—13.

Senate refused to reconsider.

No. 149 S., a bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

On motion of Senator Martin,

Referred with Assembly amendments to committee on public lands.

No. 230 S., a bill for an act to fix the compensation of witnesses attending upon legislative committees.

Amendments of Assembly concurred in.

No. 159 S., a bill to appropriate to trustees of the Baptist society of Madison, the sum of money therein named.

Senator Sutherland moved that the Senate insist upon its disagreement with the Assembly and request a committee of conference.

The motion prevailed.

Senators Sutherland, Schulteis, and Boyd were appointed such committee of conference on the part of the Senate.

No. 541 A., an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

And,

No. 542 A., a bill for an act to amend an act entitled an act to divide the county of Marquette and erect the county of Green Lake, approved March 5th, 1858.

Were severally read the first and second times.

Senator Kimball moved a suspension of the rules for the purpose of considering said bills.

The motion prevailed.

No. 541 A.,

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

No. 542 S.,

Ordered to third reading,

Read the third time.

Passed.

Those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren.—25.

None voting in the negative.

No. 543 S., a bill for an act to authorize the Speaker to certify to the per diem and mileage of Hon. Duncan E. Cameron ;

Read first and second times.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

Those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin and Warren.—24

None voting in the negative.

Title agreed to,

READ FIRST AND SECOND TIMES AND REFERRED.

No. 446 A, a bill for an act to amend chapter 403 of the local laws of 1857, entitled An act to incorporate the village of Jefferson, Jefferson county.

To committee on incorporations.

Mem. No. 241 A, memorial to the Post-office Department, relative to increase of services on mail route No. 13,159.

No. 375 A, a bill for an act to appropriate to J. L. Jenckes the sum of \$28 20.

To general file.

No. 324 A, a bill for an act relating to taxes and fines due from railroad and plank road companies.

To committee on Finance.

No. 288 A, a bill for an act to legalize the acts of the congregational society of Fort Atkinson.

To committee on judiciary.

No. 481 S, A bill for an act to legalize the acts of the first universalist church and society in the town of Palmyra, county of Jefferson.

To committee on town and county organization.

Senator Chase moved to suspend rules, and take from the table,

No. 197 S, a bill for an act to fix the compensation of the Revisors of the general laws of this State.

The motion prevailed.

The question being on concurring in the amendment of the Assembly.

Senator Bean offered an amendment, strike out "fifteen" and insert "twelve."

Senator Kingston moved to refer to committee on claims.

Senator Sutherland moved to amend so as to instruct committee to report to-morrow morning.

Agreed to.

The motion as amended prevailed.

Senator Davis moved a re-consideration of the vote by which the Senate concurred in the amendments to No. 267 S.

The motion prevailed.

On motion of Senator Clark,

Referred to committee on public lands.

Senator Clark moved to take up the motion submitted by him on the 22d inst., for a re-consideration of the passage of No. 295 S.

Senator Warren moved to adjourn.

The ayes and noes being called for, and ordered, were as follows :

Ayes.—Messrs. Bean, Bennett, Chase, Giles, Hanchett, Joiner, Smith, Sutherland, Warren.—9.

Noes.—Messrs. Boyd, Chappell, Clark, Cook, Davts, Greulich, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Virgin and Walsh.—17.

Senate refused to adjourn.

Senator Clark moved the previous question,

Not recorded.

The question being on reconsidering the vote passing.

No. 295 S., a bill to appropriate Bliss, Eberhard & Fester a sum of money.

The ayes and noes were demanded,

Those voting in the affirmative were

Messrs. Bean, Bennett, Chase, Hanchett, Joiner, Kimball, Kingston, Martin, Pier, Virgin and Warren.—11

Those voting in the negative were

Messrs. Boyd, Chappell, Clark, Cook, Davis, Greulich, McClellan, Maxon, Mears, Proudfit, Schulteis, Smith, Sutherland, and Walsh.—14.

Senate refused to reconsider.

Senator Kimball moved a reconsideration of the vote by which No. 542 A. was passed.

The motion prevailed.

Senator Kimball offered the following amendment:

Strike out section 4 and insert as follows :

So much of the provisions of the act to which this is amendatory as conflict with the provisions of this act is hereby repealed.

Amendment agreed to.

Bill passed,

The ayes and noes being required, were as follows :

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren and Walsh.—24.

Senator Martin moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were:

Messrs. Bennett, Chappell, Kimball, Martin, Mears, Pier, Proudfit, Schulteis, Virgin and Walsh—10.

Those voting in the negative were:

Messrs. Bean, Boyd, Chase, Clark, Cook, Davis, Greulich, Hanchett, Joiner, Kingston, Maxon, Smith, Sutherland and Warren—15.

Senate refused to adjourn.

On motion of Senator Cook,

Senate adjourned until 7 1-2 o'clock, P. M.

for on, to be adjourned at 7 1-2 o'clock P. M.

Senate assembled.

Lieut. Governor in the chair.

Roll of Senators called.

The absentees were, Senators Chappell, Cook, Kimball, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Tucker, Walsh, Wheeler and Worthington.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Chase.

No. 331 S., a bill for an act to amend chapter 138 of the revised statutes, entitled "of offences against public policy."

To committee on judiciary.

By Senator Greulich.

No. 332 S., a bill for an act to relieve those who have mortgaged lands to railroad companies for railroad stock.

To committee on railroads.

By Senator Maxon.

No 333 S., a bill for an act to amend chapter 114 of the revised statutes, relating to proceedings against corporations in chancery.

To committee on incorporations.

COMMITTEE REPORTS.

By Senator Kingston,

The committee on public lands, to whom was referred, Bill, No. 149, a bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

Report the same back by substitute, and recommend the passage of the substitute.

J. T. KINGSTON,

Chairman.

Senator Chase moved a suspension of rules for the purpose of consider,

No. 149, S.,

The motion prevailed.

Substitute reported by committee adopted.

Senator Giles rose to a point of order, to wit:

That the Senate could not at this time act upon any part of the bill except the amendment reported from the Assembly.

The chair decided the point well taken.

Senator Kingston moved a reconsideration of the vote by which the substitute was adopted.

The motion prevailed.

Senator Davis moved the previous question,

Not seconded,

The question being on concurring in the amendment of the Assembly,

The ayes and noes were demanded.

Those voting in the affirmative were

Messrs. Bean, Davis, Giles, McClellan and Warren.—5.

Those voting in the negative were

Messrs. Boyd, Chase, Clark, Cook, Joiner, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland and Virgin.—15.

Senate refused to concur in the amendment.

By Senator Clark.

The committee on incorporations report back Aassembly bill No. 446, without amendment and recommend its passage.

The committee on town and county organization to whom

was referred bill No. 481 A., have had the same under consideration,

Report the same with amendments, and when amended, recommend its passage.

Report on bill No. 481 A. of S. C. BEAN,

Chairman.

Senator moved a suspension of the rules for the purpose of considering,

No. 481 A.,

The motion prevailed.

No. 481 A.,

Ordered to third reading.

Read the third time.

Passed.

Title agreed to.

By Senator Smith.

The joint committee on enrolled bills, report that on the 24th inst., they presented to the Governor for his approval, the following bills:

No. 38 S., an act to change the time for holding Circuit Courts in the county of Adams, and to fix the time for holding the same in the county of Juneau.

No. 54 S., an act to legalize the assessment and assessment roll of the city of La Crosse.

No. 105 S., a act to incorporate the Chippewa Falls bridge company.

No. 114 S., an act to appropriate to the Madison gas light and coke company the sum of money therein named, to-wit: \$449 34.

No. 115 S., an act to appropriate to John C. Bunner, the sum of \$300.

No. 140 S., an act to authorize the laying and establishing a state road therein named.

No. 157 S., an act to repeal chapter 367 of the private and local laws for the year 1857, entitled An act to amend an act entitled An act to incorporate the village of Port Washington.

No. 182 S., an act to authorize the State Superintendent to apportion money to certain school districts therein named.

No. 61 A., an act concerning the county seat of Adams county.

No. 123 A., an act to amend an act entitled An act in relation to State roads, the same being chapter 44 of the session laws of 1853.

No. 205 A., an act to lay out a State road from New London, in Waupaca county, to Peterson's Mill, in Shawano county.

No. 217 A., an act to amend chap. 437, of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega.

No. 247 A., an act for an act entitled an act to prevent the destruction of fish in the county of Waukesha.

No. 320 A., an act for an act to appropriate to J. S. Webster \$18.

No. 409 A., an act for an act to provide for investigating the origin of fires in the city of Milwaukee.

No. 442 A., an act to legalize the official acts of John W. Hall, a justice of the peace of the town of Forest, in the county of Fond du Lac.

No. 105 A, an act relating to the crime of perjury.

No. 240 A, an act to authorize joint school district No. 11, of the town of Portland and Waterloo, to collect a tax therein named.

No. 259 A, an act to legalize a state road leading from Sparta to Richmond.

No. 356 A, an act to appropriate to Matthias Greenbaum the sum of \$235.

No. 376 A, an act to appropriate to Muldoon & Crampton the sum of \$10 13.

No. 377 A, an act to appropriate to Alvah Nash the sum of \$25.

No. 406 A, an act to appropriate to Messrs. Colwell & Co. the sum therein named.

No. 420 A, an act to appropriate H. G. Dodge the sum of \$11 25.

No. 421 A, an act to appropriate to E. W. Gardiner the sum of \$47.

No. 478 A, an act to appropriate to Ellen Haley the sum of twelve dollars and fifty cents.

No. 479 A, an act to appropriate to J. C. Squires the sum of sixteen dollars and fifty cents.

No. 5 A, an act to authorize the county of Sheboygan to loan its credit to purchase a poor farm and erect buildings thereon.

No. 88 A, an act to provide a special tax to improve a road therein named.

No. 302 A, an act to amend an act entitled An act to incorporate the city of Mineral Point, approved March 2d, 1857.

No. 296 S, an act to appropriate to Amasa Cobb the sum of sixty dollars and fifty cents.

Also,

Memorial No. 17 S, memorial to Congress for a mail route from La Crosse, La Crosse county, to Prescott, in Pierce county.

And,

Joint Resolution No. 40 S, joint resolution concerning the admission of Minnesota into the Union.

W. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assem. Com.

Senator Giles moved a suspension of the rules for the purpose of taking from the general file,

No. 209 S., a bill for an act relating to the publication of the Revised Statutes.

The motion prevailed.

Senator Giles offered a substitute for the bill, and moved to lay the bill and substitute on the table, and that the substitute be printed.

The motion prevailed.

Senator Pier on leave submitted the following,

REPORT:

The joint committee on claims to whom was referred bill No. 197 S., have had the same under consideration and instructed me to report the same back with an amendment, and when so amended recommend its passage.

E. PIER, Chairman.

Senator Joiner moved a suspension of the rules for the purpose of considering,

No. 197 S.,

Agreed to.

Senator Sutherland moved the previous question.

The ayes and noes being demanded, were as follows:

Ayes—Messrs. Boyd, Chase, Giles, Joiner, Kingston, Martin, Proudfit and Sutherland—8.

Noes—Messrs. Bean, Clark, Cook, Davis, Hanchett, McClellan, Maxon, Mears, Pier, Schulteis, Smith, Virgin and Warren—13.

Previous question not seconded.

The question being on concurring in the amendment of the committee to the amendment of the Assembly.

Senator Chase called for a division of the question.

Division was had.

The question being on striking out "fifteen," before "hundred," in third line of section one of the bill.

The ayes and noes were demanded.

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Clark, Giles, Joiner, Kingston, Maxon, Pier, Sutherland, Virgin, Warren—12.

Those voting in the negative were:

Messrs. Chase, Cook, Davis, Hanchett, McClellan, Martin, Mears, Proudfit, Schulteis, and Smith—10.

The amendment was agreed to.

The question being on inserting twelve,

Senator Chase moved a call of the Senate,

Call was had,
 The absentees without leave were,
 Senators Chappell, Greulich, Kimball and Walsl.
 The Sergeant-at-arms was dispatched for the absen
 Senator Virgin moved that further proceedings on the
 call be dispensed with.

Agreed to. —

Senator Martin moved to adjourn,

The ayes and noes being called for and ordered, as
 follows:

Ayes.—Messrs. Chase, Cook, Hanchett, McClellan, rtin,
 Mears, Pier, Proudfit, Schulteis.—9.

Noes.—Messrs. Bean, Bennett, Boyd, Clark, Davisles,
 Joiner, Kingston, Maxon, Smith, Sutherland, Virgin/ar-
 ren.—13.

Senate refused to adjourn.

Senator Sutherland moved that further proceedings on
 the call, be dispensed with.

The ayes and noes being demanded,

Those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Chase, Clark, Giles, fan-
 chett, Joiner, Kingston, McClellan, Martin, Maxon, Pier,
 Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren—19.

Those voting in the negative were

Messrs. Cook, Davis and Mears.—3.

Not agreed to.

Senator Chase moved to fill the existing blank in the bill by
 inserting "fourteen."

Senator Warren rose to a point of order, to wit: That a
 division of the question on the adoption of the amendmenre-
 ported by committee having been had, the question recured
 upon inserting "twelve," and the amendment proposed was
 not in order.

The chair decided the point not well taken.

Senator Warren appealed from the decision of the chair.

The question being on sustaining the decision of the chair.

The ayes and noes were demanded,

Those voting in the affirmative were,

Senators Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Hanchett, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, and Virgin—19.

Those voting in the negative were :

Senators Clark, Joiner, and Warren—3.

The chair was sustained.

Senator Clark moved the previous question.

Not seconded.

The question being on the motion to fill the blank, by inserting "fourteen."

The ayes and noes were demanded.

Those voting in the affirmative were :

Messrs. Bennett, Chase, Cook, Davis, Giles, Hanchett, McClellan, Martin, Mears, Schulteis, Smith—11.

Those voting in the negative were :

Messrs. Bean, Boyd, Clark, Greulich, Joiner, Kingston, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren and Walsh—13.

The amendment was rejected.

Senator Cook moved to postpone indefinitely.

Senator Bennett moved to amend so as to read, "thirteen hundred and fifty dollars."

Senator Hanchett moved to adjourn.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Chase, Cook, Davis, Greulich, Hanchett, McClellan, Mears, Schulteis, Smith, Walsh—10.

Noes—Messrs. Bean, Bennett, Boyd, Clark, Giles, Joiner, Kingston, Martin, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren—14.

Senate refused to adjourn.

Senator Davis moved to refer to committee on expiration and re-enactment of laws.

The ayes and noes being demanded.

Those voting in the affirmative were,

Ayes—Messrs. Chase, Cook, Davis, Grei, Hanchett, Kimball, McClellan, Mears, Schulteis, Smith.

Those voting in the negative were,

Noes—Messrs. Bean, Bennett, Boyd, Clark, Giles, Joiner, Kingston, Martin, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren, Walsh—15.

Senate refused to refer.

Senator Mears moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were,

Ayes—Messrs. Chase, Cook, Davis, Hanchett, Kimball, McClellan, Mears, Schulteis, Smith—9.

Those voting in the negative were,

Noes—Messrs. Bean, Bennett, Boyd, Clark, Giles, Greulich, Joiner, Kingston, Martin, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren, Walsh—16.

Senate refused to adjourn.

Senator Warren moved the previous question.

Senator Davis moved a call of the Senate.

Call was had.

Absent without leave,

Senator Chappell.

The Sergeant-at-arms was dispatched for the absent.

Senator Giles moved that further proceedings under the call be dispensed with.

Senator Clark moved the previous question.

Not seconded.

Senator Giles moved a reconsideration of the vote by which the Senate amended the Assembly amendment by striking out "fifteen."

Senator Greulich moved the previous question, and called for the ayes and noes, which being had,

Those voting in the affirmative were:

Messrs. Bean, Boyd, Clark, Cook, Greulich, Joiner, Kingston, Maxon, Proudfit, Virgin, Warren, Walsh—12.

Those voting in the negative were :

Messrs. Bennett, Chase, Davis, Hanchett, Kimball, McClellan, Martin, Mears, Pier, Shulteis, Smith, Sutherland—13.

Previous question not seconded.

The question being on the motion of Senator Giles to reconsider.

The ayes and noes were called for, and ordered, and were as follows :

Ayes.—Messrs. Chase, Cook, Davis, Giles, Hanchett, Kimball, McClellan, Martin, Mears, Schulties, Smith.—11.

Noes.—Messrs. Bean, Bennett, Boyd, Clark, Greulich, Joiner, Kingston, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren and Walsh.—14.

Senate refused to reconsider.

Senator Kimball moved to adjourn,

The ayes and noes being demanded,

Those voting in the affirmative were

Messrs. Cook, Davis, Kimball, Mears, Schulties, Smith.—7.

Those voting in the negative were

Messrs. Bean, Bennett, Boyd, Clark, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Proudfit, Sutherland, Virgin, Warren and Walsh.—18.

Senate refused to adjourn.

The question being on the motion of Senator Bennett,

To amend so as to read, Thirteen hundred and fifty dollars.

The ayes and noes being demanded,

Those voting in the affirmative were

Messrs. Bennett, Chase, Cook, Davis, Giles, Hanchett, Kimball, McClellan, Martin, Mears, Schulteis, Smith and Sutherland.—13.

Those voting in the negative were

Messrs. Bean, Boyd, Clark, Greulich, Joiner, Kingston, Maxon, Pier, Proudfit, Virgin, Warren, Walsh.—12.

The amendment was agreed to.

Senator Cook offered the following amendment.

Add at the end of section 1, "under chapter 126 of the general laws, approved October 13th, 1856.

Senator Bean moved to amend the amendments by adding as follows:

And the joint Resolutions of the two houses of the Legislature of 1858.

Senator McClellan moved to adjourn.

The ayes and noes being called for and ordered,

Those voting in the affirmative were,

Messrs. Chase, Cook, Davis, Hanchett, Kimball, McClellan, Mears, Pier, Smith, Sutherland—10.

Those voting in the negative were:

Sonators Bean, Bennett, Boyd, Clark, Giles, Joiner, Kingston, Martin, Maxon, Proudfit, Schulteis, Virgin, Warren, and Walsh—14.

Senate refused to adjourn.

Senator Hanchett moved a call of the Senate.

Call was had:

The absentees without leave were:

Senators Chappell and Greulich.

Senator Bennett moved to adjourn.

The ayes and noes being demanded.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chase, Cook, Davis, Hanchett, Kimball, McClellan, Maxon, Mears, Pier, Schulteis, Sutherland—13.

Those voting in the negative were:

Messrs. Bean, Clark, Giles, Joiner, Kingston, Martin, Proudfit, Smith, Virgin, Warren, Walsh—11.

The motion prevailed.

Senate adjourned.

SENATE CHAMBER, }
March 25th, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Eggleston.

Roll of Senators called.

The absentees were Senators Cook, Greulich, Maxon, Schulteis, and Worthington.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED,

By Senator Kingston, *of Burke's bill, and*

Petition of William Waterman, and others in relation to delinquent taxes.

To committee on town and county organization.

By Senator Joiner, *of*

Remonstrance of Moses M. Strong against the passage of Bill No. 22 A.

Referred to select committee having said bill in charge.

By Senator Smith, *of*

Remonstrance of Levi Empire, John Hammer, Michael Kenny, and others, against charter for village of Fox Lake.

On motion of Senator Smith,

Rules suspended. *of*

No. 315, S., a bill for an act to incorporate the village of Fox Lake.

Taken from general file.

Senator Smith offered a substitute for the bill.

On motion of Senator Smith,

No. 315, S., substitute and remonstrance.

Referred to committee on incorporations.

By Senator Pier, *of*

Account of Rufus King & Co., against the State for \$20.

Referred to committee on claims.

RESOLUTIONS CONSIDERED.

Joint Resolution No. 47 S.,

Resolved by the Senate, the Assembly concurring, That so much of the Constitution of this State as is contained in article four, under the head Legislative, section twenty-five, be stricken out of said Constitution as soon as may be, by process of law.

Resolved, That so much of article five, section five, under the head, Executive, be so amended as to read, instead of one thousand two hundred and fifty, three thousand dollars.

Resolved, Further, that so much of article thirteen, as is contained in section seven, of said article, be stricken out as soon as may be by due process of law.

Resolved, Further, that thereafter section twenty-five, article four, and section seven, article thirteen, shall form no part of the Constitution of this State, and that section five, article five as amended shall form a part of said Constitution.

On motion of Senator McClellan,

Referred to select committee of five.

Senators McClellan, Bennett, Cook, Martin, and Wheeler, were appointed such committee.

BILLS INTRODUCED.

Read first and second times and referred.

By Senator Wheeler,

No. 334 S, a bill for an act to reduce the current expenses of the Legislature of the State of Wisconsin.

To committee on legislative expenditures.

By Senator Sutherland,

No. 335 S, a bill to amend an act to amend chapter 19 of the revised statutes, and to compile the school laws of Wisconsin.

To general file.

By Senator Sutherland,

No. 336 S, an act to amend an act to incorporate the mutual life insurance company of the State of Wisconsin.

To committee on incorporations.

By Senator Sutherland,

No. 337 S, a bill for an act to amend an act to incorporate the mutual fire insurance company of the city of Janesville.

The Committee on Incorporations,

By Senator Pier.

No. 338 S., a bill for an act to appropriate to Mr. Ripley or assignee, the sum of \$7,51,

To general file.

By Senator Wheeler.

No. 339 S., a bill for an act to prohibit the canvass of supplemental returns by the State Canvassers, and to provide for punishing the officers who shall canvass such returns.

To Committee on judiciary.

By Senator Martin,

Mem. No. 22 S., memorial to the President of the United States, asking that measures may be taken to extinguish the Indian title to lands in this State.

To general file.

COMMITTEE REPORTS.

By Senator Smith:

The joint committee on enrolled bills report that they have examined the following named bills, and find the same correctly enrolled.

No. 402 A., an act to reduce the law incorporating the City of Janesville, and the several acts amendatory thereof, into one act, and to amend the same.

W. E. SMITH,
of Senate Com.

GEO. O. SMITH,
of Assembly Com.

By Senator Pier.

The committee on claims to whom was referred several bills and accounts, have directed me to make the following report.

No. 282 S., to appropriate a certain sum of money to the town of Monroe, Green County, is reported back with the recommendation that it be indefinitely postponed.

No. 333 A., to amend chapter 315, of the private and local laws of the year A. D. 1856, entitled an act for the preserva-

tion of Fish in Lake Ripley, is reported back with the recommendation that it be *disallowed*!!!

No. 476 A., to appropriate to Orton, Hopkins & Firmin the sum of \$25, is reported back with Ex Governor Bashford's certificate attached, as was directed by the Senate.

The account of J. H. Preuss for services as Snp't public property, is reported back disallowed, as he can draw the money according to law if the service was performed.

The account of Wm. Brown & Co. for storage of military equipments, is reported back with a recommendation that it be disallowed, as the Committee are of the opinion that it has been once paid.

The account of Wm. Ripley jr., for \$10,01, is allowed at \$7,51, and a bill reported. The deduction was for a map of the City of Madison, which in the opinion of the committee, could be of but little use in settling accounts and keeping the moneys of the treasury department.

No.—S., to appropriate to Wm. Ripley jr., assignee, the sum of \$7,51, and recommend its passage.

and 1000

E. PIER. Chairman,

By Senator Warren.

Committee on enrolled bills.

Report that they had examined and compared and find correctly enrolled,

No. 319 S., a bill for an act to amend an act entitled an act in relation to public schools in the City of Oshkosh.

No. 295 S., a bill for an act to appropriate to Bliss, Eberhard & Festner. the sum of \$1479,04,

No. 221 S., a bill for an act for the payment of the clerks of joint standing committee of investigation.

No. 158 S., a bill to appropriate to C. W. Cook the sum of money therein named.

J. H. WARREN.

Senate Com.

GEG. C. SMITH,

Assembly Com.

By Senator Smith,

The joint committee on enrolled bills report that they have examined and compared the following bills, and find them correctly enrolled:

No. 7 S, an act to amend chapter 59 of the revised statutes, entitled of the alienator by deed of the proof and recording of conveyances and the cancelling of mortgages.

No. 226 S, an act to appropriate to Darwin Clark the sum of six dollars.

No. 230 S, An act to fix the compensation of witnesses attending upon legislative committees.

No, 297 S, an act to amend the charter of the village of Manitowoc.

They have also this day presented to the Governor for his approval.

No. 402 A, an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof into one act, and to amend the same.

WM. E. SMITH,

Of Sen. Com.

GEO. C. SMITH,

Of Asem. Com.

By Senator Kimball,

The committee on incorporations report,

No. 289 A, a bill for an act to legalize a certain map of the village of Dodgeville.

Also,

No. 208 A, a bill for an act to change the name of the State insurance company, incorporated by an act approved April 2d, 1853, and amended by an act approved March 28th, 1854.

And recommend their passage.

KIMBALL,

Chairman.

By Senator Chase,

The judiciary committee report back bills

No. 323 S, relating to injunctions in certain cases.

No. 328 S, to legalize the survey and map made by Edward F. Hobart, of a part of the city of Beloit.

No. 288 A, to legalize the acts of the congregational society of Fort Atkinson.

No. 255 S, to repeal an act entitled an act for the encouragement of Academies and normal schools.

Without amendment, and recommend their passage.

No. 161 A, to change the name of the Wisconsin Express Company.

And,

No. 431 A, to repeal chapter 13 of the general laws of 1857, entitled an act to provide for town cemeteries.

By substitutes, and recommend the passage of the substitutes.

C. S. CHASE,

Chairman.

By Senator Sutherland,

The committee on education, school and university lands report,

No. 298 S, a bill for an act to repeal chapter 200 of the general laws of 1850, entitled an act defining certain duties of the State Superintendent.

Without amendment, and recommend its passage.

J. SUTHERLAND,

Chairman,

By Senator Virgin,

The committee on contingent expenditures to whom was referred

Joint Resolution No. 44 S.

Have had the same under consideration, and instructed me to report the same back with an amendment, and recommend its passage when so amended.

N. H. VIRGIN,

Chairman.

Report taken up.

The question being on the adoption of the amendment to the resolution proposed by the committee.

The ayes and noes being demanded,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chase, Giles, Kimball, Maxon, Pier, Smith, Sutherland, Virgin, Warren, Walsh, and Wheeler—14.

Those voting in the negative were:

Messrs. Chappell, Clark, Cook, Davis, Hanchett, Joiner, Kingston, McClellan, Martin, Mears, Proudfit, Simpson—12.

Amendment agreed to.

Resolution as adopted amended.

The ayes and noes being required,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Kimball, McClellan, Maxon, Smith, Sutherland, Virgin, Warren, and Wheeler—15.

Those voting in the negative were:

Messrs. Chappell, Clark, Cook, Joiner, Kingston, Martin, Mears, Pier, Proudfit, Simpson, and Walsh—11.

BILLS ON THIRD READING, READ THIRD TIME AND PASSED.

No. 488 A., a bill for an act to incorporate the village of Whitewater.

The ayes and noes being required,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Joiner, Kimball, McClellan, Martin, Maxon, Mears, Pier, Virgin, Warren, Walsh, Wheeler—20.

Those voting in the negative were:

Messrs. Kingston, and Simpson—2.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT:

I am directed to present to you for your signature,

No. 158 S., an act to appropriate to C. W. Cook the sum of money therein named.

No. 221, an act to provide for the payment of the Clerks of the Joint Standing Committee of Investigation.

No. 319 S., an act to amend an act entitled an act in relation to public schools in the city of Oshkosh.

No. 295, an act to appropriate to Bliss, Eberhard & Festner, the sum of \$1479 04.

Which have been signed by the speaker.

No. 384, A., a bill for an act to amend chapter 344, of the private and local laws of the year A. D., 1856, entitled an act to incorporate the village of Delavan.

The ayes and noes being required, those voting in the affirmative were

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schuteis, Smith, Sutherland, Virgin, Warren, Walsh and Wheeler—26.

Senator Simpson voted in the negative.

No. 281 S., a bill to provide for the incorporation of academies and other institutions of learning.

REFERRED.

No. 249 S., a bill in relation to town roads in this State.

To committee on roads, bridges and ferries.

SPECIAL ORDER.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering No. 329 S., an act to provide for the election of Directors of the La Crosse and Milwaukee Rail Road Company.

Special order for ten o'clock.

Senator Shulteis in the chair.

After some time spent in the consideration of said bill, the committee rose and reported back No. 329 S., with amendments, and recommended passage when so amended.

SCHULTEIS, Chairman.

Report taken up.

Amendments of committee concurred in.

Senator Martin offered the following amendment:

Amend sec. 9 by adding, "nothing in this section shall prevent the Board of Directors from filling any vacancy which may occur in the Board in such manner as the By-Laws of said company may provide.

Agreed to.

Senator Hanchett moved to amend as follows :

Amend sec. 2 by inserting after the word "more," the word "daily," in second line.

The motion prevailed.

Senator Cook moved to amend by inserting,

Provided, it is constitutional.

And called for the ayes and noes, which, being had were as follows :

Ayes—Messrs. Chappell, Cook, Greulich, Kimball, Mears, Proudfit and Walsh—7.

Noes—Messrs. Bean, Bennett, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kingston, McClellan, Martin, Maxon, Pier, Schulteis, Simpson, Smith, Virgin and Warren—18.

The amendment was rejected.

Senator Giles offered the following amendment :

Prefix to Section 9, the words "The Board of Directors shall consist of nine members, and"

Agreed to.

The question being on ordering to engrossment for third reading.

The ayes and noes being called for and ordered, were as follows :

Ayes.—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kingston, McClellan, Maxon, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren—20.

Noes—Messrs. Cook, Greulich, Kimball, Martin, Mears, Proudfit, Walsh—7.

Rules suspended.

The question being on ordering to third reading.

The ayes and noes were demanded.

Those voting in the affirmative were:

Messrs Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kingston, Maxon, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren—19.

Those voting in the negative were:

Messrs. Cook, Greulich, Kimball, Martin, Mears, Proudfit, Walsh—7.

Read the third time.

The question being on the passage.

The ayes and noes were called for, and had, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kingston, Maxon, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren—19.

Noes—Messrs. Cook, Greulich, Kimball, Martin, Mears, Proudfit, Walsh—7.

Passed.

Title agreed to.

SPECIAL ORDER.

On motion, Senate went into

COMMITTEE OF THE WHOLE,

On No. 242 S, a bill for an act to establish a better system for keeping and managing school fund, university and swamp land fund, and to amend chapter 24 of the revised statutes entitled "of school and university lands, etc,

Special order for 11 o'clock, A. M.

Senator Clark in the chair.

After some time spent in the consideration of said bill, committee rose, and through their chairman reported progress and asked leave to sit again.

CLARK,
Chairman.

Report considered.

Leave to sit again granted.

Senator Clark moved that

No. 131 S., a bill for an act to authorize the commissioners of school and university lands to loan the drainage fund be made the special order for 11 o'clock A. M., to-morrow.

Senator Giles moved to adjourn until 7 1-2 o'clock P. M.

Senator Pier moved to adjourn.

Senate refused to adjourn.

Senator Bean moved to amend the motion of Senator Clark by striking out "11 o'clock A. M.," and insert "3 o'clock P. M."

The ayes and noes being demanded,

Those voting in the affirmative were:

Messrs. Bean, Boyd, Clark, Greulich, Joiner, Kimball, Kingstor, McClellan, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler—20.

Those voting in the negative were

Messrs. Bennett, Chase, Davis, Giles—4.

Agreed to.

The motion as amended prevailed,

Senator Bennett moved to adjourn until 7 1-2 o'clock, this evening.

Senator Martin moved that the Senate adjourn to 3 1-2 o'clock, P. M., and that the special order for this evening be taken up at that time.

Senator Virgin moved to adjourn.

Senate refused to adjourn.

Senator Simpson moved a call of the Senate.

Call was had.

Those absent without leave were:

Senators Chappell, Cook, Hanchett, Martin, Pier, Proudfit and Tucker.

The Sergeant-at-arms was dispatched for the absentees.

On motion of Senator Virgin,

Further proceedings under the call dispensed with.

Senator Kingston moved to adjourn until 7 1-2 o'clock,
P. M.

The motion prevailed.

Senate adjourned.

7 1-2 o'clock P. M.

Senate assembled.

Lient. Governor presiding.

Roll of Senators called.

Absentees, Senators Bean, Chappell, Cook and Kimball.

COMMUNICATION FROM THE STATE PRINTERS.

To the Hon. the Senate and Assembly of the State of Wisconsin:

The undersigned, the contractors of the State, to do the State printing, beg leave respectfully to reply to the joint resolution of the Senate and Assembly, passed on the 19th instant, requesting "the State Printer to communicate to the Senate, whether he claims the printing and binding of the proposed Edition of the Revised Statutes of the State, under his present contract for State printing, and if so, whether he will print and bind the entire edition, which may be ordered by the present Legislature upon the terms of that contract."

They do claim the printing and binding of the proposed edition of the Revised Statutes, under their present contract, and for the reasons following:

The Constitution of the State, in Article 4, Section 25, provides that "the Legislature shall provide by law, that *all printing authorized and required by them to be done for their use, or for the State*, shall be let by contract to the lowest bidder."

Section 1st of the "act relating to printing." Approved April 19th, 1852, provides for sealed purposals for doing at the seat of Government, *all printing authorized and required by the Legislature for their use or for the State* in all the several departments thereof."

It will be seen that the language, "*all printing authorize and required by the Legislature, for their use, or for the State.*" is the same in the Constitution and the act.

Indeed it is apparent that the language of the Constitution has been extracted and adopted as part of the act.

Now, does the printing of the Revised Statutes come under this provision of the Constitution, and must the contract to do it, be let to the lowest bidder?

No one, we think, can for a moment doubt, but that this provision was intended to, and does, require all *possible* printing for the use of the Legislature or for the State, to be done by contract and by the lowest bidder, and that the revised statutes are necessarily embraced within its terms.

We hold our contract, under the act above referred to, and are compelled both by the law, and by the bond we have executed to the State, *to do all printing, authorized and required by the Legislature, for their use or for the State,* and the requirement of the act is still broader than that of the requirement of the Constitution, by the language, "*in all the departments thereof.*"

The conclusion then is inevitable, that if the printing the revised statutes, comes within the provisions of the constitution, *much more*, does it come within the provisions of the act of 1852, and is included in the work to be done under our contract.

The fact that the language of the constitution and the act is *identical*, shows conclusively that the Legislature intended by this act to provide for all the printing for the State, of every nature and discription whatsoever, under one and the same contract, and by the lowest bidder.

If any other construction is adopted, then, the revised statutes need not be contracted for to the *lowest bidder*, but may be let to any person, *arbitrarily*, at any price, without regard to the Constitution.

The view above taken, is strengthened by reference to other parts of the act of 1852.

In section 2d, in defining the several classes of printing, the language is "*laws passed by the legislature.*" Every chapter of the revised statutes has to be enacted and passed as an original bill, the same as any other law, and until it can be shown that *statutes* are not *laws*, they must fall within the generic term *laws* as used by the act.

In section 13, "laws of a general nature" must be held to include, as well the revised statutes, for they are emphatically "laws of a general nature." Again in section 15, There is the same language, there is required to be printed so many copies of "laws of a general nature."

Section 26 provides that "if it shall at any time, become necessary, to publish an extra number of copies of any law, or laws of this State, such publication shall be, by authority of law, such law to define the number of copies which shall be published, *provided*, that the printing, folding, stitching, covering and binding of said extra copies of law, or laws, shall be done in strict accordance with the provisions of this act."

Argument is useless, to make it clearly obvious, that this language embraced the revised statutes, and if so, then such work falls within our contract.

The Legislature may require the revised statutes to be bound in a different manner from the work particularly specified in our contract, and they may require a specified number of copies.

But this does not necessarily take the printing and publication of the work out of our contract. It would be merely requiring us, the contractors of the State, to do some extra work upon and about the very business we are required to do by the contract itself, and for this, the contractors would be entitled, and would expect to receive a reasonable compensation, for such extra work.

Such compensation can very easily be agreed upon, between the contractor, and the State, and in this case, we think there will be but little trouble in fixing such compensation as would be satisfactory to all parties concerned.

We are fully prepared with all the necessary machinery and materials for doing such work as the Legislature may authorize, of any description whatever; and under our contract have gone to great expense, to be able at any time to meet the demands of the State, in the printing and publication, in any form which may be required, of all the laws of the State, including the *revised* laws, as well as all others, and hereby express to the Legislature our willingness, readiness and ability, to do all such work under our contract, as they may require.

We are satisfied that the State can require of us, under our contract, to print and publish the proposed Revised Statutes, and we should be liable upon our bond, if we should refuse to do so, or the State could cancel our contract for such refusal, according to the act of 1852. On the other hand, we have a right to demand all the work of this kind required to be done, and are entitled to the compensation for it.

All of which is respectfully submitted.

Madison, March, 1858.

CALKINS & WEBB, and
ATWOOD & RUBLEE,

State Printers.

Referred to committee on printing.

By the Senate on SPECIAL ORDER.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

For the purpose of considering,

No. 108, S., a bill to establish an Agricultural College.

Special order for 7 1-2 o'clock.

Senator Clark in the chair.

After some time spent therein.

Committee rose and reported back through their chairman, No. 108, S.,

With amendment, and recommend its passage, when so amended.

CLARK, Chairman.

Report considered.

Amendments concurred in.

Senator Wheeler moved to lay on the table until 4 o'clock to-morrow P. M., and that it be made the special order for that hour.

Senator Virgin called for a division of the question.

Division was had.

The question being on laying on the table,

The ayes and noes being demanded,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Chase, Kingston, Martin, Schulteis, Virgin, Wheeler—8.

Noes—Messrs. Boyd, Clark, Davis, Giles, Greulich, Hanchett, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Warren, Worthington—14.

Senate refused to lay on the table.

Senator Wheeler moved to place on general file until 4 o'clock P. M. to-morrow, and that it be made the special order for that hour.

The ayes and noes being demanded.

Those voting in the affirmative were

Messrs. Bean, Bennett, Chase, Hanchett, Kingston, Martin, Mears, Schulteis, Wheeler—9.

Those voting in the negative were

Messrs. Boyd, Clark, Davis, Giles, Greulich, Joiner, McClellan, Maxon, Pier, Proudfit, Virgin, Warren, Walsh and Worthington—14.

Not agreed to.

Senator Giles moved to place on file, under head of "bills reported by committee of the whole."

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Giles, Joiner, Kingston, McClellan, Martin, Mears, Pier, Proudfit, Schulteis, Virgin, Warren, Wheeler, Worthington—18.

Noes—Messrs. Davis, Greulich, Maxon, Walsh—4.

The motion prevailed.

Senator Chase moved to suspend rules for the purpose of taking up No. 149 S., and appointing a committee of conference thereon.

Senator Davis moved to adjourn.

The ayes and noes being demanded,
Those voting in the affirmative were
Messrs. Davis and Maxon.—2.

Those voting in the negative were

Messrs, Bean, Bennett, Boyd, Chase, Clark, Giles, Greulich, Hanchett, Joiner, Kingston, McClellan, Martin, Mears, Proudfit, Schulteis, Virgin, Warren, Walsh, Wheeler and Worthington.—20:

Senate refused to adjourn

Senator Chase renewed his motion.

The motion prevailed.

Senators Martin, Simpson, and Davis were appointed such committee of conference on the part of the Senate,

On motion

Senate adjourned.

SENATE CHAMBER, }
March 26, 9 o'clock, A. M.

Senate assembled.

Lieut. Governor in the chair.

Rev. Mr. Haiden officiated as chaplain.

Roll of Senators called.

The absentees were,

Senators Chappell, Clark, Cook, Maxon, Smith, Tucker, and Walsh.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Simpson,

Account of Geo. W. Miles against the State.

To committee on claims.

By Senator Pier.

Account of J. W. Preus against the State.

To committee on claims.

RESOLUTIONS CONSIDERED.

Senator Martin moved to suspend rules and take from the table

Joint Resolution No. 34 S., relating to the location of the North Eastern Land Grant Railroad.

The motion prevailed.

Senator Martin moved to amend as follows: insert after the word "made," the words "from Oshkosh northerly."

Agreed to.

Resolution as amended adopted.

RESOLUTIONS INTRODUCED.

By Senator Sutherland.

No. 101 S.

Resolved, That the committee on roads, bridges and ferries, be requested to so amend the bill referred to them, "in relation to town roads in this State," as to make it a bill in relation to town roads in Rock county, and to report the same as soon as practicable to the Senate.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES, AND REFERRED.

By Senator Sutherland.

No. 340 S., a bill for an act to authorise the Secretary of State to audit certain accounts for international exchanges, and to provide for the disposal of the same.

Rules suspended.

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington.
—27.

None voting in the negative.

Title agreed to.

By Senator Pier.

From committee on claims.

No. 341 S., a bill for an act to appropriate to H. C. Bull. the sum of \$152,03.

To general file.

Also,

No. 342 S., a bill for an act to appropriate to Rufus King & Co., the sum of \$20,00.

To general file.

By Senator Proudfit.

No. 343 S., a bill for an act relative to insurance against loss of damage by fire, on property in this State, made by associations or corporations not authorized by the laws of this State.

To committee on incorporations.

By Senator Proudfit.

No. 344 S., a bill for an act to amend an act entitled, "an act to incorporate the Haskell university in the town of Black Earth."

To committee on incorporations.

By Senator Proudfit,

No. 345 S., a bill for an act to amend section 94, of chapter 80, of the session laws of 1854.

To committee on education, school, and university lands.

By Senator Proudfit,

No. 346 S., a bill for an act to prevent the spearing of fish

in the county of Dane, during the months of April and May.†

To general file.

By Senator Proudfit,

No. 347 S., an act to authorize the Secretary of State to audit certain accounts for newspapers.

To committee on legislative expenditures.

Senator Giles, President pro tem., in the chair.

COMMITTEE REPORTS.

By Senator Hanchett,

Your committee of conference, appointed by the Senate, to confer with a like committee of the Assembly, upon matters of disagreement between the two Houses, on bill, No. 29, S., being "an act to legalize and provide for the collection of taxes, in the county of Portage, for the year 1857," has in connection with said committee of the Assembly had the same under consideration, and respectfully recommend that the Senate do not concur with the Assembly amendments to section one of said bill, that sections 6, 7, 8 and 9, of said bill be stricken out, that section 10 be amended, by striking out the word "June," wheresoever it occurs, and insert in lieu thereof, the word "July," and by changing the No. of the section to six; also, change No. sections as follows, viz: Sec. 11 to Sec. 7, Sec. 12 to Sec. 8, Sec. 13 to Sec. 9. Amend section 14 as follows: Strike out the word "June," wheresoever it occurs, and insert in lieu thereof, the word "July;" also, strike out the word "August," wheresoever it occurs, and insert in lieu thereof the word "September," and change the No. of the Sec. to 10; change Sec. 15 to Sec. 11.

Your committee find these amendments necessary to perfect the bill, in addition to those already concurred in by the Senate, and believe they will be entirely satisfactory to both branches of the Legislature, and recommend their adoption.

HANCHETT,

Ch'n Senate Com.

Report taken up.

Recommendations of committee concurred in.

By Senator Warren,

Committee on engrossed bills, report correctly engrossed,
No. 267, S.

J. H. WARREN.

Chairman.

By Senator Kimball,

The committee on incorporations report,

Bill 315 S., a bill for an act to incorporate the village of
Fox Lake,

With a substitute, and recommend the passage of the sub-
stitute.

Also,

No. 337, S., a bill for an act to amend an act to incorporate
the Mutual Fire Insurance Company of the city of Janesville.

And,

No. 336, S., a bill for an act to amend an act to incorporate
the Mutual Life Insurance Company of the State of Wiscon-
sin.

With amendments and recommend their passage as amend-
ed.

KIMBALL,

Chairman.

By Senator Warren,

The committee on finances, to whom was referred,

No. 324, A., a bill for an act relating to taxes and fines due
from rail road and plank road companies.

Have had the same under consideration; and have directed
me to report the same back and recommend that it do pass.

J. H. WARREN,

Chairman.

By Senator Smith,

The joint committee on enrolled bills report that they, on
the 26th inst., presented to the Governor, for his approval, the
following bills:

No. 7, S., an act to amend chapter 59 of the revised
statutes, entitled of the alienator by deed of the proof

and recording of conveyances and the cancelling if mortgages.

No. 226, S., an act to appropriate to Darwin Clark the sum of six dollars.

No. 230 S., an act to fix the compensation of witnessess attending upon legislative committees.

No. 297, S., an act to amend the charter of the village of Manitowoc.

No. 78, A., an act to incorporate the Milton Institute.

Also, the following memorial:

No. 18, S., memorial for mail route from Mauston, in Juneau county, to Viroqua, in Bad Ax county.

WM. E. SMITH,
Of Senate Com,
GEO. C. SMITH,
Of Assem. Com.

By Senator Smith,

The joint committee on enrolled bills report that they, on the 25th inst., presented to the Governor, for his approval, the following bills:

No. 158, S., an act to appropriate to C. W. Cook the sum of money therein named.

No. 221, S., an act to provide for the payment of clerks of the joint standing committee of investigation.

No. 295 S., an act to appropriate to Bliss, Eberhard & Festner, the sum of \$1,479 04.

No. 135, A., an act to lay out a state road from Welaunee, in Winnebago county, to Stevens Point, in Portage county.

No. 215 A., an act to repeal a part of chapter 323 of the session laws of 1857, being an act entitled an act to authorize certain towns in Waupaca and Waushara counties to aid in the construction of a railroad.

Also, the following memorial:

No. 136, A., a memorial for a mail route from LaCrosse, in LaCrosse county, via. Galesville, Fountain City, Belvidere and Alma, in Buffalo county, to Pepin, in Pepin county.

No. 271, A., an act to amend an act, entitled an act to con-

solidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof, approved March 2d, 1857.

W. E. SMITH, of Senate Com.

GEO. C. SMITH, Assem. Com.

By Senator Simpson,

The committee on roads, bridges and ferries to whom was referred No. 146 A., a bill for an act to amend an act entitled An act to incorporate the Wisconsin Bridge Company.

No. 230 A., a bill for an act to authorize the town of Center to loan money to build a bridge.

And,

No. 411 A., a bill for an act granting to Walter P. Flanders, assignee of Chester Matson, the right to keep and maintain a ferry across the Wisconsin river.

Have examined the same and recommend their passage.

Also,

No. 258 A., a bill for an act to repeal chapter 210 of private and local laws of 1857, and to repeal State road therein named.

And,

No. 280 A., a bill for an act to repeal chap. 232, of private laws of 1857, entitled An act to authorize the town of Rock, in the county of Rock, to borrow money to aid in the construction of a bridge across Rock River, in the town of Rock, and recommend their passage.

P. B. SIMPSON,

Chairman.

By Senator Martin.

The committee of conference to which was referred the disagreeing vote of the two houses, on bill 149 S., report the following in place of amendments of the Assembly:

Recommendation of committee of conference—in lieu of the first amendment of the Assembly, insert in original bill after the word "State," in 6th line, as follows: "also to any and all lands heretofore granted to this State for any purpose and which may have been entered at either of the land offices

of the United States, prior to the date of selection of such lands by the Governor of the State." Insert at the end of section one in lieu of amendment of Assembly, as follows: "and the provisions of the several acts of Congress making such grants."

Report of committee taken up.

Recommendations concurred in.

By Senator Cook,

The select committee to whom was referred Senate bill No. 35 S, with sundry amendments, have had the same under consideration, and report the same back with a substitute, for all of said bill and amendments, to come in after the word "property" in the 6th line of said bill.

E. FOX COOK,

M. L. KIMBALL,

C. S. CHASE,

Committee.

On motion of Senator Cook,

Rules suspended.

No. 35 S, a bill for an act to amend an act entitled An act to regulate voluntary assignments with a view of insolvency.

Taken up.

Amendments of committee concurred in.

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

Message from his Excellency the Governor:

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March 25, 1858. }

To the Hon. the Senate:

A bill, entitled "an act to incorporate the Chippewa Falls Bridge Company," has been presented to me for my approval. This bill creates a corporation, without banking powers or privileges, by special act, which the constitution of the State says shall not be done, "except for municipal purposes, and

in cases, where, in the judgment of the Legislature the objects of such a corporation cannot be attained under general laws." There is no judgment of the Legislature expressed in this bill, that its objects cannot be attained under general laws.

Section 22 of article 4, of the Constitution provides that "The Legislature may confer upon Boards of Supervisors of the several counties of the State, such powers of a local, legislative and administrative character, as they shall from time to time prescribe." By an act of the legislature, entitled "an act granting further powers to the Board of Supervisors of the several counties," approved April 17, 1852, authority was conferred upon boards of county supervisors, among other powers, "to grant charters to any persons, to build and maintain toll and free bridges, in their respective counties, and to regulate the tolls thereof." For the foregoing reasons, I object to this bill, and return it, without my approval, to the Senate, where it originated.

ALEX. W. RANDALL.

Message considered.

The question being on the passage of the bill, notwithstanding the objections of the Governor.

The ayes and noes being required,

Those voting in the affirmative were,

Messrs. Clark, Cook, Kingston, Maxon, Mears, Simpson, Walsh—7.

Those voting in negative were,

Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Joiner, Kimball, McClellan, Martin, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—20.

The bill was declared lost.

Message from his Excellency the Governor.

EXECUTIVE OFFICE,
Madison, March 25, 1858. }

TO THE SENATE:

The following entitled bills, memorials and joint resolutions, originating in the Senate, have severally received the approv-

al of the Executive and have been deposited in the office of the Secretary of State :

No. 168 S, to authorize the laying out of a State road therein named.

No. 171 S, to authorize the laying out of a State road therein named.

No. 191 S, to allow the city and town of Beloit to levy a tax for certain purposes therein named.

No. 234 S, to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof.

No. 17 S., Memorial to Congress for a mail route from La Crosse, in LaCrosse county, to Prescott, in Pierce county.

No. 408 S, Joint Resolution concerning the admission of Minnesota into the Union.

No. 38 S to change the time for holding Circuit Courts in the county of Adams, and to fix the time for holding the same in the county of Juneau.

No. 54 S., to legalize the assessment and assessment roll of the city of LaCrosse.

No. 114, S. to appropriate to the Madison Gas Light and Coke Company, the sum of money therein named, \$449,-
34.

No. 115 S., to appropriate to John C. Bunner the sum of three hundred dollars.

No. 182 S, to authorize the State Superintendent to apportion money to certain school district therein named.

No. 296 S, to appropriate to Amasa Cobb, the sum of sixty-one dollars and fifty cents.

No. 140 S., to authorize the laying out and establishing a State road therein named.

No. 157 S., to repeal chapter 367, of the private and local laws for the year 1857, entitled "an act to amend an act entitled An act to incorporate the village of Port Washington."

No. 295 S, to appropriate to Bliss, Eberhard & Festner, the sum of fourteen hundred and seventy-nine dollars and four cents.

No. 158 S, to appropriate to C. W. Cook, the sum of money therein named.

No. 221 S, to provide for the payment of the clerks of the joint standing committee of investigation.

ALEX. W. RANDALL.

ASSEMBLY MESSAGES.

MR. PRESIDENT:—

I am directed to present for your signature,

No. 402 A., a bill for an act to reduce the law incorporating the city of Janesville and the several acts amendatory thereof, into one act and to amend the same.

Which have been signed by the speaker.

MR. PRESIDENT:

I am directed to inform you that the Assembly have passed,

No. 257 S., a bill for an act requiring the Register of Deeds of Adams county to deliver certain records.

J. R. No. 43 A., relating to a recess of the Legislature.

I am further directed to present to you for signature,

No. 135 A. an act to lay out a State road from Welaunee in Winnebago county to Steven's Point in Portage Co.

No. 215 A., an act to repeal a part of chapter 323 of the session laws of 1857, being an act to authorize certain towns in Waupacca and Waushara counties to aid in the construction of a rail road.

And,

Mem. No. 136 A., a memorial for a mail route from La Crosse in La Crosse county via Galesville, Fountain City, Belvidere, and Alma, in Buffalo county, to Pepin, in Pepin county.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of the Senate amendments to

No. 481 A., a bill for an act to legalize the acts of the First Universalist Society in the town of Palmyra, county of Jefferson.

And

No. 542 A., a bill for an act to amend an act entitled an act to divide the county Marquett, and erect the county of Green Lake,

Approved March 5th, A. D. 1858.

MR. PRESIDENT—

I am directed to inform you that the Assembly has concurred in the passage of

No. 295 S, a bill for an act to appropriate to Bliss, Eberhard & Festner the sum of \$1,479 04.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed

No. 238 A, memorial to Congress of the United States in relation to the establishment of a mail route from Dodgeville in Iowa county, via Adamsville and Perry, to Blue Mounds, in Dane county.

No. 548 A, a bill for an act to legalize the action of the Supervisors of the town of Two Rivers, in the county of Manitowoc, in vacating certain streets in the village of Two Rivers.

No. 253 A, memorial to Congress for an appropriation to construct a canal, and improve the navigation of Grant River at Potosi.

No. 547 A, a bill for an act to enable the town of Waukesha to raise by tax and appropriate a certain sum of money.

No. 254 A, a bill to relieve school district No. 4, in the town of Buena Vista, in the county of Richland.

No. 448 A, a bill for an act to provide for the laying out of a state road therein named.

In which the concurrence of the Senate is requested.

The Assembly has concurred in the passage of

No. 324 S., a bill to amend an act entitled an act to amend an act entitled an act to incorporate the City of Beloit. Approved March 31st, 1856.

J. R. No. 46 S., instructing Chief Clerk of Senate to pre-

vent bill 299 S. from being enrolled, and have it indefinitely postponed.

No. 57 S., a bill for an act to incorporate the Savings and Trust Company at LaCrosse.

And

No. 27 S., a bill to incorporate the Waukesha Savings Institution.

The Assembly insists on its amendments to

No. 149 S., a bill for an act to release the claim of the State of Wisconsin to certain lands therein named, and have appointed Messrs. A. B. Alden, J. B. Gray, Prentice, York, Vinton, as committee of conference.

MR. PRESIDENT—

I am directed to present for your signature,

No. 7 S., an act to amend chapter 59 of the Revised Statutes entitled of the alienation by deed of the proof and recording of conveyances and the cancelling of mortgages.

No 297 S., an act to amend the charter of the village of Manitowoc.

No. 230 S., an act to fix the compensation of witnesses attending upon legislative committees.

No. 226 S., an act to appropriate to Darwin Clark the sum of \$6.

No. 78 A., an act to incorporate the Milton Institute.

No. 271 A., an act to amend an act entitled an Act to consolidate and amend the act to incorporate the city of Kenosha and the several acts amendatory thereof, approved March 2d 1857.

Mem. No. 18 S., memorial for mail route from Mauston in Juneau county to Viroqua in Bad Ax county.

Which have severally been signed by the speaker.

Message taken up and considered.

READ FIRST AND SECOND TIMES AND REFERRED.

Mems. No. 238 A, No. 254 A.

To general file.

No. 448 A.

To committee on roads, bridges and ferries.

Memorial No. 253 A.

Rules suspended,

Ordered to a third reading.

Read the third time.

Passed.

Title agreed to.

No. 548 A. *Joint Resolution for the purpose of amending the*

To committee on incorporations.

Joint Resolution No. 43 A, for a recess of the legislature.

Senator Davis moved to indefinitely postpone.

Senator Martin moved to amend so as to read from Wednesday the 31st inst, to April 12th.

Senator Warren moved to lay on the table.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Davis, Giles, Kingston, McClellan, Maxon, Pier, Simpson, Sutherland, Warren, Wheeler—13.

Noes—Messrs. Chappell, Chase, Clark, Cook, Greulich, Joiner, Kimball, Martin, Mears, Proudfit, Schulteis, Virgin, Walsh, Worthington—14.

Senate refused to lay on the table.

Senator Wheeler moved to amend by striking out "May," and inserting "June."

Not agreed to.

The question being on the motion of Senator Wheeler.

The ayes and noes being demanded,

Those voting in the affirmative were :

Senators Chappell, Cook, Giles, Greulich, Kimball, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, and Walsh—12.

Those voting in the negative were :

Senators Bean, Bennett, Boyd, Chase, Davis, Hanchett, Joiner, Kingston, McClellan, Pier, Smith, Sutherland, Virgin, Warren, Wheeler, and Worthington—16.

The amendment was rejected.

Senator Davis moved to lay on the table.

The ayes and noes being demanded.

Those voting in the affirmative were :

Senators Bean, Bennett, Boyd, Davis, Giles, Kingston, McClellan, Maxon, Pier, Sutherland, Warren, and Wheeler—12.

Those voting in the negative were :

Senators Chappell, Chase, Clark, Cook, Greulich, Hanchett, Joiner, Kimball, Martin, Mears, Proudfit, Schulteis Simpson, Smith, Virgin, Walsh, and Worthington 17—.

Not agreed to.

Senator Cook offered the following amendment :

And that during such recess, the Hon. Moses M. Strong, may, on bail being given, be let out of and released from confinement in the county jail.

Senator Bean moved to amend by striking out all after the word "resolved."

Senator Martin offered the following as a substitute :

Strike out all after the word commencing,

That the present session of the Legislature shall terminate on Monday the 12th day of April next.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Chappell, Cook, Davis, Greulich, Joiner, Kimball, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Virgin and Walsh.—16.

Those voting in the negative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Giles, Hanchett, McClellan, Smith, Sutherland, Warrsn, Wheeler and Worthington.—13.

The substitute was adopted.

Senator Bennett moved to indefinitely postpone resolution, substitute and the whole subject.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Hanchett, Kingston, McClellan, Schulties, Sutherland, Smith, Warren, Wheeler, Worthington.—16.

Those voting in the negative were :

Messrs. Chappell, Cook, Greulich, Joiner, Kimball, Martin, Maxon, Mears, Pier, Proudfit, Simpson, Virgin, Walsh.

—13.

The motion prevailed.

Indefinitely postponed.

Message from the Assembly.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 496 A, a bill for an act to amend an act to consolidate and amend the acts to incorporate the city of Milwaukee, and the several acts amendatory thereof, approved February 20, 1852.

In which concurrence of Senate is requested.

On motion of Senator Greulich,

Rules suspended.

Message taken up.

Senator Greulich moved to refer No. 496 A, to Milwaukee delegation, with instructions to report at next meeting of the Senate.

Senator Hanchett moved to amend by making said bill the special order for 4 o'clock P. M.

The amendment was accepted.

And the motion as amended prevailed.

Referred to Senator Greulich and Walsh, with said instructions.

On motion of Senator Boyd,

Rules suspended

For the purpose of considering Nos. 243 A. and 303 A.

No. 243 A., a bill for an act to amend an act entitled an act to incorporate the villiage of Omro.

Ordered to third reading,

Read the third time.

Passed.

The ayes and noes being required,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler, Worthington—27.

None voting in the negative.

Title agreed to.

No. 303 S., a bill for an act to amend an act to incorporate the village of Elkhorn.

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required.

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Walsh, Wheeler and Worthington—27.

None voting in the negative.

Title agreed to.

On motion of Senator Smith,

Rules suspended.

No. 315 S., a bill for an act to incorporate the village of Fox Lake.

Taken from general file and considered.

Substitute adopted.

Bill as amended ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required, those voting in the affirmative were,

Messrs. Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Walsh, Wheeler and Worthington—24.

Senator Kingston voted in the negative.

Title agreed to.

BILLS ON THIRD READING.

READ THIRD TIME AND PASSED.

No. 245 S, a bill for an act to appropriate to L. R. Graves the sum of \$273 10.

The ayes and noes being required.

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Greulich, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Sutherland, Virgin, Walsh, Wheeler, Worthington—21.

Those voting in the negative were.

Noes—Messrs. Cook, Schulteis—2.

No. 165 S, a bill for an act legalizing the proceedings of a school meeting held in school district No. 2, in the town of Belvidere, in Buffalo county, on the 28th of December, A. D. 1857, for the purpose of levying a school tax in said town.

No quorum being present.

Senator Davis moved a call of the Senate.

Call was had.

The absentees without leave were Senators Bean, Clark, Hanchett, Proudfit, Simpson, Smith, Walsh, and Worthington.

The Sergeant-at-arms was despatched for the absentees.

Senator Joiner moved that further proceedings under the call be dispensed with.

The ayes and noes were demanded and had.

Those voting in the affirmative were,

Messrs. Bennett, Cook, Giles, Joiner, Kingston, McClellan, Maxon, Mears, Pier, Schulteis, Sutherland, Virgin, Warren, Walsh, and Worthington.—15.

Noes.—Messrs. Bean, Boyd, Chase, Davis, Hanchett, Kimball, Martin, Smith, and Wheeler—9.

Not agreed to.

The Sergeant-at-Arms reported all present except Senator Chappell.

On motion of Senator Bennett,

Call suspended.

Senator Hanchett moved to adjourn until 3 o'clock, P. M.

The ayes and noes being called for and ordered, were as follows:

Ayes.—Messrs. Bean, Boyd, Chase, Clark, Cook, Greulich, Hanchett, Kimball, Martin, Mears, Pier, Schulteis, Walsh and Wheeler—14.

Noes.—Messrs. Bennett, Davis, Giles, Joiner, Kingston, McClellan, Maxon, Smith, Sutherland, Virgin, Warren, and Worthington—12.

The motion prevailed.

Senate adjourned.

3 o'clock P. M.

Senate assembled.

President pro tem., in the chair.

Roll of Senators called.

The absentees were Senators Chappell, Cook, Simpson, Smith, Tucker Walsh and Worthington.

Senator Greulich, by unanimous consent, submitted the following:

REPORT.

The special committee, consisting of the Milwaukee delegation, to whom Assembly bill No. 496 was referred, report the same back with some amendments, and recommend its passage when so amended.

A. GREULICH.

PATRICK WALSH.

Amended by adding two new sections.

Sec. 66. The election of city and ward officers in the City of Milwaukee, is hereby postponed to the 3d Tuesday of April, and the present officers shall hold their respective offices until their successors are elected and qualified.

Sec. 67. On the first Tuesday of April next, the qualified voters of the City of Milwaukee shall vote at the usual places of holding election for or against the amendmentes to the city charter, which votes shall be by ballot, on which shall be printed or written, the words, "for the amedment" or "against the amendment," as the vote may be. If it shall appear, that a majority of the votes cast shall be for the amendment, then this amendment shall be in full force and effect; if it shall appear that the majority of the votes cast at such elections are against the amendment, then so much of this amendment as relates to three street oommissioners, and the two boards of aldermen and councellors shall have no force and effect.

Senate proceeded to the consideration of the

SPECIAL ORDER.

No. 131 S., a bill for an act to authorize the commissioners of the School and University lands to loan the drainage fund.

Special order for 3 o'clock,

Senator Kingston offered a substitute.

Senator Chasc offered the following amendment to the substitute .

Amend Sec. 2 by adding at the end of the same the words,

"Provided that no more than five thousand dollars of said drainage fund shall be loaned to persons residing in any one and the same county."

Adopted.

Senator Sutherland offered the following amendment;

Amend Sec. 1, so that it shall read, "fifty per cent. of the proceeds on sales made after the passage of this act."

Not agreed to.

Senator Bennett moved to amend as follows:

Amend Sec. 3 by striking out in line first after the word interest, the word "due," and insert in lieu thereof the words "hereafter paid."

Not agreed to.

The question being on the amendment of Senator Kingston as amended,

The ayes and noes being called for, those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Warren, Walsb, Wheeler—24.

Senator Virgin voting in the negative.

The amendment was adopted.

Senator Clark moved to dispense with printing the substitute of Senator Kingston at length upon the Journal.

The motion prevailed.

Bill ordered engrossed for a third reading.

Senator Martin, on leave, submitted the following

REPORT:

The committee on legislative expenses to whom was referred bill

No. 347 S, entitled a bill to authorize the Secretary of State to audit certain accounts for newspapers.

Report the same back with amendment to section 1, and recommend the reference of the bill to the joint committee on claims.

Report considered,

Recommendation concurred in.

Senator Davis, on leave, presented the accounts of Edwin Palmer, G. W. Mygatt, E. S. Mix, and A. C. Nash, against the State.

Referred to committee on claims.

Special order.

No. 496 A, a bill for an act to amend an act entitled An act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof, approved Feb. 20, 1852.

Special order for 4 o'clock P. M.

The reading of the bill at length was dispensed with.

The question being on concurring in the amendments of the committee.

The ayes and noes being called for and ordered, were as follows :

Ayes.—Messrs. Clark, Greulich, Mears, Proudfit, Schulteis, and Walsh—6.

Noes.—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Hanchett, Kimball, Kingston, McClellan, Martin, Maxon, Pier, Simpson, Sutherland, Virgin, Warren, Wheeler, and Worthington—19.

The amendments were rejected.

Bill ordered to third reading.

Read third time.

The question being on the passage of the bill,

Senator Walsh moved a call of the Senate.

Call was had.

The absentees without leave were Senators Chappell, Cook, Joiner, and Smith.

The Sergeant at-Arms was despatched for the absentees.

On motion of Senator Chase,

Further proceedings under the call dispensed with.

Upon the passage of the bill,

The ayes and noes being required,

Those voting in the affirmative were,

Senators Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Virgin, Warren, Walsh, Wheeler, and Worthington—25.

Title agreed to.

Senator Bennett moved a suspension of the rules, for the purpose of considering,

No. 197, S, a bill for an act to fix the compensation of the revisors of the general laws of this State.

The motion prevailed.

The question being on concurring in the amendment of the Assembly, as amended by the Senate.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Hanchett, Kingston, McClellan, Martin, Maxon, Mears, Schulteis, Simpson, Sutherland, Wheeler and Worthington—18.

Those voting in the negative were :

Messrs. Bean, Joiner, Kimball, Pier, Proudfit, Virgin, Warren, Walsh—8.

Amendment as amended concurred in.

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 108 S., a bill to establish an agricultural college.

Senator Wheeler offered the following amendment.

Strike out all after enacting clause, and insert in lieu thereof, the following :

The sum of ten thousand dollars is hereby appropriated out of any funds in the treasury not otherwise appropriated to aid in the establishment of an Agricultural College in this State. Provided, however, that such appropriation shall not be drawn or used, except as hereinafter provided.

The money above appropriated shall be paid over, as hereinafter provided, to such persons as may become corporators of such Agricultural College, under any general or special law of this State, whenever such corporators shall show to the satisfaction of the Governor of this State that they have actually donated, or subscribed from other responsible persons the sum of twenty thousand dollars, and that ten thousand dollars of the amount so donated or subscribed has actually been paid in to said corporators or to their treasurer, and shall further show that they have selected and paid for a suitable site with proper grounds and appurtenances.

The Governor upon being satisfied by competent evidence that the requirements of the preceding section have been complied with, and upon the execution to him in trust for the State of a bond in the penal sum of twenty thousand dollars

with such sureties as he shall approve, conditioned that such monies shall be safely kept and faithfully expended in the erection and maintainance of an Agricultural College, shall certify to the Secretary of State accordingly. And upon such certificate the Secretary of State shall certify to the treasurer who shall thereupon pay over to the incorporators of such college, or to their order, the amount of money appropriated in section one of this act.

This act shall take effect and be in force from and after its passage and publication.

The amendment was rejected.

Senator Chase offered the following amendment :

Amend section 1 of printed bill, by striking out all after the word "members," in the first line of printed bill, to but, not including the word "is," in the third line, and insert in lieu thereof as follows : "who shall be elected by the Senate and Assembly in joint convention, and in case such election is not made during the session of the legislature, or in case any vacancy shall occur in said Board, such Board shall be filled by the Governor, and such Board when filled."

The amendment was adopted.

Senator Clark offered the following amendment :

Incorporate the following as a section : It is provided that said college shall not receive from the income of the swamp land fund more than thirty thousand dollars per annum for the first three years, nor more than ten thousand dollars for any year thereafter.

Senator Kimball moved to lay on the table, order printed, and make the special order for 7 1-2 o'clock Monday evening.

Those ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bennett, Hanchett, Kimball, Kingston, Martin, Simpson, and Wheeler—7.

Those voting in the negative were :

Messrs. Boyd, Chase, Clark, Davis, Giles, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Sutherland, Virgin, Warren, Walsh, and Worthington—17.

Not agreed to.

The question recurring on the adoption of the amendment by Senator Clark,

The amendment was adopted.

Senator Wheeler offered the following amendment :

Add to stand as section

No appropriation of any sum shall hereafter be made by the State to further support or maintain the college hereby created or established, and all revenues derived from said college shall be paid into the school fund.

The amendment was rejected.

Senator Bean offered the following amendment :

Amend the bill striking out the word "agricultural" wherever it occurs before college, and insert in lieu thereof the word "industrial."

The amendment was rejected by the following vote :

The ayes and noes being demanded.

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Chase, Clark, Giles, Kimball, Kingston, Martin, Simpson, Wheeler—10.

Noes—Messrs. Boyd, Davis, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Schulteis, Sutherland, Virgin, Warren, Walsh, Worthington—14.

Senator Martin moved to adjourn.

The ayes and noes being demanded and had were as follows:

Ayes—Messrs. Bennett, Davis, Giles, Hanchett, Kimball, Kingston, Martin, Proudfit, Simpson, Sutherland.—10.

Noes—Messrs. Boyd, Chase, Clark, Joiner, McClellan, Maxon, Mears, Pier, Schulteis, Virgin, Warren, Walsh, Wheeler and Worthington.—14.

The question being on ordering to engrossment and third reading.

The ayes and noes being demanded

Those voting in the affirmative were :

Messrs. Chase, Clark, Davis, Hanchett, Joiner, McClellan, Maxon, Mears, Pier, Proudfit, Schulties, Warren, Walsh, Worthington—15.

Those voting in the negative were:

Messrs. Bean, Bennett, Giles, Kimball, Kingston, Martin, Simpson, Sutherland, Virgin, Wheeler—10.

Ordered engrossed for third reading.

Senator Martin moved that the engrossed bill be ordered printed,

The motion prevailed.

Leave of absence was granted to Sen. McClellan for one week.

Senator Warren, on leave submitted the following

REPORT.

Committee on Engrossed Bills report correctly engrossed No. 131 S.

J. H. WARREN, Chairman.

Senator Clark moved a suspension of the rules for the purpose of considering No. 131 S.

The motion prevailed.

Bill ordered to third reading.

Read third time.

Passed.

The ayes and noes being required, those voting in the affirmative were.

Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Hanchett, Joiner, Kimball, Kingston, McClellan, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Sutherland, Warren, Walsh, Wheeler and Worthington—24.

Senator Virgin voted in the negative.

Title agreed to.

Senator Warren on leave submitted the following,

REPORT.

The joint committee on enrolled bills report that they have presented to the Governor for signature,

Bill No. 542 A., an act to amend an act entitled an act to divide the county of Marquette and erect the county of Green Lake, approved March 5th 1858.

J. H. WARREN, Senate Com.
GEO. C. SMITH, Of Assem. Com.

Message from the Assembly.

MR. PRESIDENT :

I am directed to present for your signature,

No. 542 A., an act to amend an act entitled an act to divide the county of Marquette and erect the county of Green Lake approved March 5th, 1858.

No. 543, A., an act to authorize the Speaker to certify to the per diem and mileage of Dan can C. Cameron.

No. 481, A., an act to legalize the acts of the first Universalist Society, in the town of Palmyra, county of Jefferson.

No. 541, A., an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

Which have severally been signed by the Speaker.

On motion of Senator Warren,
Senate adjourned.

SENATE CHAMBER, }
March 27, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Brooks.

Roll of Senators called.

Senators Chappell, Clark, Greulich, Martin, Proudfit, Smith, Warren and Walsh, were absent.

Journal of yesterday read and approved.

PETITIONS, ETC., PRESENTED AND REFERRED.

By Senator Joiner.

Two petitions from citizens of Iowa and Sauk counties, for a bridge across Wisconsin river.

To committee on roads, bridges and ferries.

RESOLUTIONS INTRODUCED.

By Senator Sutherland.

No. 102 S.

Resolved, That the superintendent of public instruction be requested to communicate to the Senate, whether, in his opinion, the "Wisconsin Journal of Education," is subserving the cause of popular education, and, also, whether the same is worthy of the patronage now bestowed upon it by the State.

By Senator Wheeler.

No. 103 S.

Resolved, That hereafter, no local bills will be considered by the Senate, except on Mondays and Saturdays of each week, and that no bills eliciting debate, will be considered on Tuesdays.

RESOLUTIONS CONSIDERED.

No. 101 S.

Resolved, That the committee on roads, bridges and ferries, be requested to so amend the bill referred to them, "in relation to town roads in this State," as to make it a bill in relation to town roads in Rock county, and to report the same as soon as practicable to the Senate.

Adopted.

By Senator Cook.

Resolved, That from and after this day the Senate will not suspend the rules of the Senate for the purpose of the consideration or passage of any bill hereafter introduced, until after the passage of such bills as are now pending in either House.

By Senator Joiner,

Resolved by the Senate, the Assembly concurring, That this Legislature will adjourn *sine die* on Monday the 19th day of April at 6 o'clock A. M., and that no new business will be received after the 1st day of April, except such as is necessary to close up the business already commenced.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bean,

No. 348 S, a bill for an act regulating the sale of school, university and swamp lands, and pre-empting the same.

To committee on education, school and university lands.

COMMITTEE REPORTS.

By Senator Smith,

The joint committee on enrolled bills, report that they, on the 27th inst., presented to the Governor, for his approval, the following bills:

No. 319, S., an act to amend an act, entitled an act in relation to public school in the city of Oshkosh.

No. 543, A., a bill for an act to authorize the Speaker to certify to the per diem and mileage of Hon. Duncan C. Cameron.

No. 341, A., an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

No. 481, A., a bill for an act to legalize the acts of the First Universalist Society, in the town of Palmyra, county of Jefferson.

WM. E. SMITH,

Of Senate Com.

GEO. C. SMITH,

Of Assembly Com.

By Senator Kingston,

The committee on public lands, to whom was referred, Senate bill, 267, have instructed me to report the same back, without amendment, and recommend its passage.

J. T. KINGSTON,

Chairman.

Senator Hanchett moved a suspension of the rules, for the purpose of considering said bill.

The motion prevailed.

No. 267, S., a bill for an act to provide for the sale and disposal of the swamp and overflowed lands.

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required.

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—25.

None voting in the negative.

Title agreed to.

By Senator Smith,

The joint committee on enrolled bills, report that they have examined and find correctly enrolled,

No. 496 A., a bill for an act to amend an act entitled, An act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved Feb. 20, 1852 ; and to enable the electors of the city of Milwaukee to revise, codify and amend their charter.

Wm. E. SMITH, of Senate Com.

GEO. C. SMITH, of Assembly com.

By Senator Warren.

Committee on enrolled bills, report correctly enrolled,

No. 324 S., an act to amend an act entitled, "an act to amend an act entitled, An act to incorporate the city of Beloit," approved March 31st, 1856.

J. H. WARREN,

Of Senate Com.

GEO. C. SMITH,

Of Assembly Com.

By Senator Smith,

The committee on education, school and university lands, to whom was referred,

No. 405 A., an act to authorize joint school district number 3, of Waupun, Chester, Alto, and Trenton, in the counties of Dodge, and Fond du Lac, to levy a special tax to build a school house.

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

Wm. E. SMITH, of committee.

By Senator Chase,
The judiciary committee report back bill,
No. 320 S., changing time for holding courts in La Fayette,
and Grant counties.

Without recommendation.

C. S. CHASE, Ch'n.

On motion of Senator Virgin,
Rules suspended,
No. 320 S., taken up, and,
Laid on the table,
By Senator Chase,
A majority of the judiciary committee report back bill,
No. 77 S., an act to repeal chapter 8 of the general laws of
1857, entitled an act relating to the writ of habeas corpus to
persons claimed as fugitive slaves the right of trial by jury,
and to prevent kidnapping in this State.

And recommend its indefinite postponement.

C. S. CHASE,

E. WHEELER,

L. HANCHETT,

Minority report of the judiciary committee, to whom was
referred a bill for an act to repeal chapter 8 of the public
acts of the session of 1857.

REPORT.

"The people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to themselves and their posterity, ordained and established the Constitution for the United States of America." "That Constitution contemplated a division and distribution of the powers incident to a sovereign state, between the general government of the United States, and the government of each particular state; a distribution not depending on local limits, but by selecting certain subjects of common interest, and placing them under

the entire and exclusive jurisdiction of the United States." And by the admission of this state into the Union on an equality with the original states, the people of the State of Wisconsin voluntarily pledged their loyalty to the Constitution of the United States.

Article 4, section 2 of the Constitution, contains these provisions :

1. The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

As there was no general principal in the law of nations, or in the comity of independant states, requiring the equality of rights of their respective citizens, or the extradition of fugitives from justice or labor, these provisions were deemed essential in the formation of the Union. The Constitution was formed in the year 1787, and went into operation in the year 1789. The mode of delivering up fugitives from justice, or labor, was not prescribed until the passage of the act by Congress, on the 12th of February 1793. That act was passed in the House of Representatives, with but seven negative votes; and by the Senate without a division; and was signed by Jonathan Trumball of Connecticut, as Speaker of the House of Representatives, by John Adams, Vice President; and was approved by George Washington, President of the United States. The Constitution and the act of congress contemplate the extradition of apprentices under indenture, without indenture, without regard

to color, as well as of slaves. At the adoption of the Constitution, almost every state was a slave state. The law authorizing the claimant, to have the hearing of the alleged facts, that the person arrested was a fugitive from his state and that he owed him service or labor in that state, before State magistrates. The magistrates continued to act under that law, as they have always acted under acts of Congress, authorizing them to issue warrants and bind over persons charged with violating the criminal laws of the United States, until they are either prohibited from discharging their duty, by statutes of the Northern States, or were induced to withhold their official aid to their brothers of other States, by abolition societies and profligate politicians. That kind of local legislature and influence engendered a spirit of rebellion and mobocracy, which rendered it both uncertain and unsafe, for a man to claim a fugitive from labor in any of the Northern States.

This state of things rendered the supplement act of 1850, a necessary measure for the perpetuity of this Union. This supplement confines the power of examination and extradition of the fugitive, to the judges of the United States, and to commissioners appointed by these judges. And, it also authorizes a warrant of arrest of the fugitive, and imposes the same responsibility upon the Marshal, as in all other cases, to receive and execute the warrant, and to pay the claimant the value of the property in case of a rescue. That this law and its supplement, are constitutional was never doubted by any judicial tribunal, or by any jurist laying claim to respectability, until the Supreme Court of this young State, made a contrary decision. All the courts of the United States, and of the several States sanctioned, approved and enforced the law; and they continue to do so, notwithstanding the decision of our Supreme Court. It would be too tedious to refer to all cases on this subject, but a few of the most prominent are: In the State of New York, *Glen vs. Hodges*, 9 John, Rep. 97, *Jack vs. Martin* 12 Wendell 311 and 14 Wendell 507. In Pennsylvania, *Wright vs. Deacon* 5 Serg. & Rawle 62, *Paes-*

more Williamson's case 3, Casey 9. In Massachusetts, the case of Sims 7, Cushing 285. In the Supreme Court of the United State, Prigg vs. Pennsylvania 16 Peters 341. Jones vs. Van Zandt 5 Howard 215. Moore vs. the State of Illinois, 14 Howard 13. Norris vs. Crocker, 13 Howard 429.

The Supreme Court of this State pronounced the law unconstitutional, because there was no trial by jury provided for; and commissioners not clothed with judicial power under the the constitution of the United States, were authorized to act. The constitution does not contemplate a trial by jury in the State wherein apprehended, of a fugitive from either justice or labor; but the expressive constitutional demand is, that the *fugitive shall be delivered up on claim*. The trial by jury of the legal rights and duties and penalties of the fugitive, is to be had in the State from which he had fled. The fugitive from justice is to be delivered up for trial by jury in the State from which he had fled, upon proof that he is the person charged with the offense. And the fugitive from labor, whether slave or apprentice, is to be delivered up for trial in the same State upon proof of identity, and that he there owes service or labor. And hearing the claim is merely the discharge of a judicial act. It is no part of the judicial power conferred upon the United State's Courts by the Constitution—no more than binding over a person to answer to an indictment. The binding over, or order of extradition, is a judicial act, preliminary to the exercise of judicial power. Judicial power is the the power or authority to adjudicate upon, determine and enforce by execution the legal rights of the parties. The power conferred on the Commissioners cannot affect the law, for the Judges can act.

The act of this State contemplates the issuing of writ of habeas corpus against an officer or person having a fugitive in custody, under the authority of the United States. And it creates heavy penalties for the resistance of the writ so issued. And it also declares judgments for any violation of the act of Congress void; and it authorizes a writ of replevin

against the Marshall or officer for property seized under execution in satisfaction of such judgments.

That this act is a nullity, will appear from the following principles and authority:

The power surrendered by the several states and conferred on the United States by the Constitution, are exclusive in the United States. And in article 6 of the Constitution it is declared that—“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, *shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.* This provision determines the fate of the state law, and binds the judges in this State to declare it utterly void. The acts of Congress are the supreme law of the land, and the judges in every state are bound to enforce them in spite of a state law to the contrary. The judges of the state are sworn to support the Constitution of the United States; and must submit to it, and to the laws passed under it, equally with the judges of the United States.

At a very early day after the adoption of the Constitution of the United States, the Legislature of Pennsylvania passed an act affecting, and in resistance of the admiralty jurisdiction of the District Court of the United State, under that act, the power of the state was called into requisition. In the case of *United States vs. Peters* 5 Cranch reports 115, the validity of that act was passed upon by the Supreme Court of the U. S., and the State submitted. The District Judge was then compelled by *mandamus* to issue his process and maintain his jurisdiction. Chief Justice Marshall remarked in his opinion—“If the legislature of the several states may, at will, annul the judgments of the Courts of the United States, and destroy the rights required under these judgments, the Constitution itself becomes a solemn mockery, and the nation is deprived of the means of enforcing its laws by instrumentality of its

own tribunals. So fatal a result must be deprecated by all; and the people of Pennsylvania, not less than the citizens of every other State, must feel a deep interest in resisting principles so destructive of the Union, and in averting consequences so fatal to themselves. The act in question assigns as a motive for its interposition in this particular case, that the sentence, the execution of which it prohibits, was rendered in a cause over which the federal courts have no jurisdiction. If the ultimate right to determine the jurisdiction of the Courts of the Union, is placed by the Constitution, in the several state Legislatures, then this act concludes the subject; but if that power necessarily resides in the supreme judicial tribunal of the nation, then the jurisdiction of the District Court of Pennsylvania, over the case in which that jurisdiction was exercised ought to be most deliberately examined; and that act of Pennsylvania with whatever respect it may be considered cannot be permitted to prejudice the question."

And it was determined, that the state had no constitutional right to resist the legal process, which may be directed in the case.

In this state, judgments rendered in the courts of the State are, by law, liens in the counties in which they are rendered, or in which transcripts are filed. In other states the law runs that, no judgments shall be liens except in the counties in which they are rendered or transcripts filed. The difference is merely in phraseology, not in effect. In all such states, judgments in the courts of the United States are liens throughout their jurisdiction, and as such are recognized in the courts of the states and of the United States. The limits of the state, in the exercise of the jurisdiction of the federal courts, is as the limits of the county to the local courts. The principles of the state law are adopted, but the instruments which give effect to those principles are necessarily different, and they are made to operate throughout a more extended jurisdiction. *Sellers vs Cowen*, 5 Ohio Rep., 400; *Manhattan Bank vs Everton*, 6 Paige, 466; *Konig vs Bayard*, 2 Paine

Rep.; *Brown vs Clark*, 4 Howard, 12; *Massingill vs Downs*, 7 Howard, 760. In this case the court says: In those states where the judgment in the execution of a state court creates a lien only within the county in which the judgment is entered, it has not been doubted that a similar proceeding in the court of the United States would create a lien to the extent of its jurisdiction. This has been the practical construction of the powers of the courts of the United States, whether the lien was held to be created by the issuing of process or by express statute. Any other construction would materially affect, and in some degree subvert the judicial power of the union." And the court further declares that—"The lien, if not an effect of the judgment, is inseparably connected with it. And this is the case, whether the lien was created by the judgment and execution, or by statute. And in either case, were the right has attached in the courts of the United States, a state has no power by legislation or otherwise to modify or impair it. Retrospective laws of a remedial character may be passed; but no legislative act can change the right and liabilities of parties, which have been established by a solemn judgment." "The plaintiff acquired a right under the authority of the United States, and that right may be protected from any judgment of the state court which shall impair it, under the twenty-fifth section of the judiciary act;" by writ of error to the state court from the supreme court of the United States. No state statute can operate *proprio vigore*, to affect directly or indirectly the jurisdiction, process, proceedings or judgments of the federal courts. *Wyman vs Southerd*, 10 Wheaton, 1; *Bank vs Halsted*, Id. 51; *Bronson vs Kenzie*, 1 Howard 311; *McCracken vs Haywood*, 2 Howard, 608; *Beers vs Houghton*, 9 Peters, 329; *Kerring vs The Bank*, 16 Id., 89; *Sugdom vs Brodnax*, 14 Id., 69.

That part of the law allowing the writ of replevin is equally null and void, and entirely imperative. The general replevin law does not authorize a writ of replevin against the Mar-

shal. One jurisdiction cannot send its officers to take persons or property out of the custody of another, and a co-ordinate jurisdiction. The attachment of property by an officer, presupposes a right to take possession and custody, and to make such possession and custody conclusive. If the officer attaches upon *mesne* process, he has a right to hold possession, to answer the exigency of the process. If he levies upon an execution he is bound to sell, according to the command of the writ. In *Haven vs. Lucas*, 10 Peters 400, the sheriff had levied an execution on personal property, which was subsequently levied by the Marshal. The Court dismissed the Marshal's levy, on the ground that he could not seize property in the custody of the Sheriff. This opinion is reiterated in *Broom vs. Clark* 4 Howard 4. And in *Knox vs. Smith* 4 Id. 298, is the same opinion, with the additional remark, that trespass or attachment would lie against the officer offending. In *Peck vs. Jenness* 7, Howard 612, an attachment was issued from the State Court and served by seizing property. The defendants in the attachment were discharged, under the bankrupt law of the United States, whose assignee claimed the property. The lien of the attachment was preserved. The Court say—"It is a doctrine of law too long established, to require a citation of authorities, that, where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct, or otherwise, its judgment, till reversed, is regarded as binding in every other court; and that, where the jurisdiction of a court, and the right of a plaintiff to prosecute his suit in it, have once attached, that right cannot be arrested or taken away by proceedings in another court. These rules have their foundation, not merely in comity, but on necessity. For if one may enjoin, the other may retort by injunction, and thus the parties be without remedy; being liable to a process for contempt, if they dare to proceed in the other. *Neither can one take property from the custody of the other by replevin or any other process, for this would produce a conflict ex-*

tremely embarrassing to the administration of justice. In the case *Kennedy vs. The Earl of Cassilis*, Lord Elden at one time granted an injunction to restrain a party from proceeding in a suit pending in the Court of Sessions of Scotland, which, on more mature reflection, he dissolved; because it was admitted, if the Court of Chancery could, in that way restrain proceedings in an independent foreign tribunal, the Court of Sessions might equally enjoin the parties from proceeding in chancery, and thus they would be enabled to proceed in either court. The fact, therefore, that an injunction issues only to the parties before the court, and not to the court, is no evasion of the difficulties, that are the necessary result of an attempt to exercise that power over a party who is a litigant in another and independent forum."

In all cases of concurrent jurisdiction, the court which first has possession of the subject must determine it exclusively, *Smith v. McIver*, 9 Wheaton 532. The party, at whose suit property is attached, has a constitutional and legal right to the law of the court issuing the process. The officer legally claims the same; and, also, the protection of the court in serving his process. A court of another government and different jurisdiction cannot interpose between that plaintiff and the property attached, and transfer the legal possession to, or vest the legal title in, a third person; or assume the exclusive custody or disposition of the property. When goods are seized, they are in the custody of the law, and they cannot be transferred into the custody of a court of another jurisdiction, at the instance of any person, on the plea that he has a demand against them, or that they had been wrongfully taken and detained from him. He must submit his case to the consideration of the court having the custody of the goods; or wait until a final disposition be made of them, as in the case of conflicting executions. He can at any time bring trover or trespass against the officer; but he cannot take from the officer by replevin.

State courts have no authority to enjoin a judgment or ex-

ecution, or restrain a party in a court of the United States ; neither can the United States courts interfere with proceedings or suits in the State courts. The respective courts are co-ordinate, and are independent of each other ; and their respective officers should not be allowed to come in collision, *McKimm v. Voorhies*, 7 Cranch 273 ; 3 Story on the Constitution, sections 1751, 1752 ; the *United States v. Peters*, 5 Cranch 115 ; *McClung v. Silliman*, 6 Wheaton 598 ; *Ex parte Dorr*, 3 Howard 103 ; *Diggs & Keith v. Wolcott*, 4 Cranch 179 ; *Ex parte Cabrera*, Wash. C. C. Rep. 252 ; *Lowry v. Hall*, 2 Watts & Sargeant 129 ; *Morris v. DeWitt*, 5 Wendell 71, and many other authorities.

The government of the United States and of the several States are sovereign and independent, within their respective limits as prescribed in their several constitutions. Equally so, are the courts, which are component parts of the respective governments, independent of each other. One court has no power to supervise, or enjoin, or interfere with proceedings and judgments in the other ; excepting where expressly authorized by the Constitution of the United States in cases of decisions of the State courts against the constitution, or a treaty, or a law, or authority, or an officer, of the United States ; as for instance, if the courts of this State should enforce this law against an officer of the United States, it would be a decision against the constitution and law and authority of the United States, and a writ of error would lie from the supreme court of the United States to the supreme court of this State. It is well known by those practicing in the United States court for this State, that the marshal is not allowed to serve a replevin or other process to take property from the custody of a sheriff. In *Daniel P. Putney v. the sloop Celestine*, that court ordered the Marshal to return the vessel to the sheriff of Racine county, who had the first seizure. And in *Daniel Whitney v. Peter Brunette* the sheriff of Brown county which was a replevin for a large amount of property seized by the Sheriff under an attachment ; the court dismissed the

suit. These cases were disposed in the year 1851; and since then it is understood, that, that court will not permit the Marshal or his deputies to come in conflict with State officers.

What has been said in regard of the judgments and writ of replevin, will apply to the writ of *habeas corpus* authorized by the act in question.

In *Prigg v. Pennsylvania* 16 Peters 539, the Supreme Court of the United States, in the opinion delivered by Justice Story, says.—“ It cannot be doubted that the constitution requires the delivery of the fugitives on the claims of the master; and the natural inference certainly is, that the national government is clothed with appropriate authority and functions to enforce it. A claim of a fugitive slave is a controversy in a case arising under the constitution of the United States, under the express delegation of judicial authority given by that instrument. The constitutionality of the act of Congress relating to fugitives from labor has been affirmed by the adjudication of the State tribunals, and by those of the courts of the United States. If the question of the constitutionality of the law was one of doubtful construction, such long acquiescence in it, and such extensive and uniform recognition of it would in the judgment of the court entitle the subject to be at rest.” In that case the court decide that an act of the legislature of Pennsylvania, creating penalties against persons reclaiming fugitive slaves under the constitution was unconstitutional and void. No State law or regulation can be permitted to interfere with, or obstruct the just rights of the owner to reclaim his slave, derived from the constitution of the United States, or with the remedies prescribed by Congress to aid and enforce the same.

The constitution and laws of the United States provide for the writ of *habeas corpus*, from the federal courts and magistrates; hence there was neither necessity for, nor propriety in the enactment of the act in question. If any person is wrongfully imprisoned under United States process, the federal courts are competent to discharge him. The remedy is as

prompt and summary as when administered by state courts or judges; and by conceding to each government the free and unobstructed execution of its own laws, and exercise of its own authority, harmony is maintained and perpetuated in the workings of our complex system of government. In the states blessed with a well regulated judiciary, all that is necessary to show is, that the commitment or detainer is under the constitution, or a law of the United States, or a treaty, and is issued by judicial authority of the United States, and the power of the state court is at an end. Any further proceeding under the writ of *habeas corpus* from a state magistrate is considered *coram non-judice* and void. In such a case that is, when the prisoner is in fact, held under process issued from a federal tribunal, under the constitution, or law of the United States or treaty, the officer has no alternative but to refuse to deliver him up, or to allow him to pass from his hands, in any stage of the proceedings. He must stand upon his process and authority, and if resisted, maintain them with all the powers conferred on him for that purpose. An interference by a writ of *habeas corpus*, allowed under the act of the state would be a direct infraction of the constitution and laws of the United States; and would render the person suing out or serving such writ, amenable to the criminal laws of the United States for resisting their process. 1 Russel on crimes, 410.

In addition to this, it would bring the officers of the two governments into disgraceful, if not deadly conflict. And the person suing out or serving such writ on the Marshall, is liable to the claimant of the slave for his value. In *Glen v. Hodges*, 9 John 67, the plaintiff, Glen, was the owner of a slave, in the State of New York, who escaped into the State of Vermont, and there contracted a debt with the defendant. The plaintiff under the act of Congress, apprehended his slave, who was afterward rescued, by means of an attachment against the slave, at the suit of the defendant Hodges. The suit was for the value of the slave. The court, compos-

ed of Justices Kent, Thompson, Spencer, VanNess and Gates, in the opinion, say: "There is no doubt but the negro was the property of the plaintiff and had run away from service, into Vermont. He was held to service or labor in the State of New York, and the escape did not discharge him, but the master was entitled to reclaim him in the State, to which he had fled. This is according to the provision in the Constitution of the United States and the act of Congress. It not only gives a penalty against any person, who shall knowingly and willingly obstruct the claimant, in the act of reclaiming the fugitive, but saves to such claimant his right of action for any injury he may receive by such obstruction. The plaintiff was therefore in the exercise of a right, when he proceeded to reclaim the slave; and the single question is, whether the defendant is not responsible for rescuing the slave though he did it under the form and color of the attachment for a debt. *Winn v. O'Brien* 10 Conn. 441.

The defendant sued out the attachment at his peril. It was a fraud on the master's right. The fact being established, that the negro was a fugitive slave, the attachment was no justification to the party, who caused it to be issued. The entering into a contract with the slave, and the endeavor to hold him under the contract, contravened the law of the United States, which protects the master, or owner of fugitive slaves, in all his rights, as such owner. The interference of any individual, by suing out process, or otherwise, under the pretence of a debt contracted by the negro, was an act illegal and void. See also *Weimer vs. Sloan*, 6 McLean's Rep., 259, and *Johnson vs. Tompkins and others*, 1 Baldwin's Rep. 571.

And in States whose judiciary entertain proper respect for their own institutions as well as for those of the United States, their highest courts refuse to entertain jurisdiction of the *habeas corpus*, for the purpose of inspecting judicial process issued under authority of the United States, or of reviewing judgments or decrees of the federal courts, or of other courts. The case of *Simms* 7 Cushing Mass. Rep. 285. The Pass-

more Williamson case, 2 Casey Pa. Rep. 9. McLaughlin case 5 Watts & Sarg't 276. Wright vs. Deacon 5 Sarg't and Rawle 62. Gates vs. Lansing 9, John 396. And the Supreme Court of the United States, in the case of Watkins, 3 Peters 193, refused a writ of *habeas corpus* to review the sentence of the Circuit Court of the District of Columbia, in a case, in which it was alleged the Circuit Court [had no jurisdiction. The Court say—"This application is made to a Court which has no jurisdiction in criminal cases; and could not reverse or affirm the judgment, were the record brought up directly by writ of error.

The cases are numerous which decide that the judgments of a court of record, having general jurisdiction of the subject, although erroneous, are binding until reversed. It is universally understood that the judgments of the Courts of the United States, although their jurisdiction be not shown in the pleadings, are yet binding on all the world; and that this apparent want of jurisdiction can avail the party only on writ of error. The judgment of the Circuit Court in a criminal case, is of itself evidence of its own legality, and requires for its support no inspection of the indictment on which it is founded. The law trusts the court with the whole subject, and has not confided to this court the power of reversing its decisions. *We cannot usurp that power by the instrumentality of the writ of habeas corpus.* It is very evident that the writ of *habeas corpus*, issued by a State magistrate against a United States officer, to take a prisoner from his custody, is an illegal writ, of no validity whatever, upon principal and authority. And it is also void under the act of this State, for being in direct violation of the constitution of the United States, which expressly declares that "No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such labor or service may be due." A State cannot do what the federal constitution

says it shall not do. *Briscoe v. The Bank*, 11 Peters 257; *Craig v. The State of Missouri*, 4 Peters 431. The whole scope of the State law is to divest the authorities of the United States of the only constitutional jurisdiction of the subject and to vest it in the State courts, without constitutional power, by usurpation gross and rebellious, in the form of law, and by an abuse of the great writ of *habeas corpus*. This act is similar to the personal liberty bill of the State of Massachusetts, which was passed the Legislature over the veto of Governor Gardner. The Governor, in an article on page 232 of the Law Reporter for August, 1857, declares that "the passage of this act, and its continuance on our Statute book, containing as it does, provisions clearly repugnant to the constitutions, both of the United States and of Massachusetts, has brought discredit upon our commonwealth, and is deeply deplored by all law-abiding and right-thinking men."

In consequence of the nullification movement in the State of South Carolina, where similar acts were passed, in resistance of officers executing the revenue laws of the United States; Congress passed an act on the 2d March, 1833, for the protection of the revenue officers of the U. S.; and in which a general provision is contained. "That either of the justices of the supreme court, or a judge of any district court, in addition to the authority already conferred by law, shall have power to grant writs of *habeas corpus* in all cases of a prisoner or prisoners in jail or confinement, when he or they shall be committed or confined in, or by, any authority of law for any act done or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree of any judge or court thereof." Under this law, Justice McLean discharged the marshal from imprisonment for disobeying a writ of *habeas corpus* from a state magistrate. 6 McLean's Rep., 355. And Justice Grier, did the same in a similar case. 2 Wallace Rep., 521. And Judge Miller, under the same law, discharged Garland the claimant of Glover from arrest on a charge of assault and battery alleged to have

been committed while apprehending his fugitive slave. And under the same law, Judge Leavitt recently discharged the Marshal of Ohio from arrest, for resisting a writ of *habeas corpus* issued under the personal liberty act of that state. The supreme court of Pennsylvania in the Passmore Williamson case, says of this act of Congress: "It is certainly most effectual, for it would protect the Marshal in disobeying an order by us, to discharge the prisoner; and then it very plainly forbids us to discharge him. If in this law there is any encroachment of state rights, it is no more than might have been expected at the time; for the cause of freedom always suffers from the restrictions that become necessary in order to suppress disorder, whether that disorder arises from mere vice, or from an over zealous urging of principles and institutions that are supposed to be good."

The Legislature of Pennsylvania repealed the act of that State, immediately after the Supreme Court of the United States, in the case *Prigg v. Pennsylvania*, declared it unconstitutional. And the Legislature of Ohio, after the recent discharge of the Marshall, by the United States Judge, have repealed the act of that State. And for the reasons here given, it is recommended that the act of this State be repealed. It is well known that there is a deep seated hostility to the fugitive slave act in all the northern States; and in this State there is an almost unanimous sentiment in opposition to slavery. But these considerations do not justify, or excuse the continuance on the statute book of an act, which is subversive of good order, rebellious in spirit, repugnant to the laws and constitution of the United States, and discreditable to this State.

P. B. SIMPSON.

I concur with Senator Simpson in the conclusions of the foregoing report.

M. L. MARTIN.

Message from his excellency the Governor.

EXECUTIVE OFFICE, }
Madison, March 26, 1858. }

To the Hon., the Senate and Assembly of the State of Wisconsin.

I have received from the Governor of the State of Maine, the Resolves of the Legislature of that State, relating to Kansas and Slavery, with the request that they be laid before the Legislature of this State. I herewith transmit the same.

AEX. W. RANDALL.

STATE OF MAINE.

Report of the committee on slavery :

Your committee, to which was referred so much of the Governor's Address as relates to the aggressions of slavery, ask leave to

REPORT:

That, fully concurring with the Governor in his able, truthful and thorough review of the alarming aggressions of the slave power and of the rapid revolution now on the eve of attempted completion by the national administration, marked by a radical departure from the doctrines of the fathers, aided by the Supreme Court of the United States in a bold perversion of the Constitution, degrading that charter of liberty to the base uses of slavery extension, and crowned by the President's indorsement of the Kansas usurpation and his adoption of the Leecompton outrage, recommend the passage of the following resolves.

C. W. GODDARD,
E. W. WOODBURY,
J. W. HANSON,
HENRY E. PRENTISS,
T. H. MARSHALL,
HENRY KINGSBURY,
B. PRATT, Jr.

Resolves relating to Kansas and slavery.

Resolved, That the people of Maine are unalterable in their devotion to the Constitution and the Union, and demand of

the national administration an immediate return to the principles on which the Constitution was framed and by which alone the Union can be preserved.

Resolved, That the Missouri Compromise was a solemn compact between the free and slave States, that its perfidious breach in 1854 deserved, as it received, the universal condemnation of our legislature and people, without regard to party, and such remains the unchangeable conviction of the State.

Resolved, That the reign of the late territorial government in Kansas presents a record of villany and violence unparalleled in modern history, unfolding a gigantic plot to force African slavery upon the freemen of that territory by the barbarous and bloody edicts of a foreign legislature, sustained throughout by the administration with its army and territorial judiciary.

Resolved, That the recent message of the President of the United States is a falsification of the history of Kansas, a libel upon the free people of that territory, and a deep disgrace to the American name and to the office once filled by Washington.

Resolved, That the President's confession that the late foreign territorial government in Kansas would have been overthrown by the people long before its annihilation in October, unless he had upheld the usurpation by military power, reveals the complicity of the administration in the execrable scheme of governing Kansas by a minority sustained by federal bayonets, setting up a military despotism to "crush out" the free state majority and the sovereignty of the people; and his estimate that a standing army of "at least two thousand regular troops" had been found necessary to maintain the equilibrium of parties in that territory, measures the magnitude of the free state majority—so enormous as to equal in effective power "at least two thousand" of his best "troops."

Resolved, That the President's astounding assertion that "Kansas is at this moment as much a Slave State as Georgia or South Carolina," is a monstrous heresy, the slave power's

latest commentary on the doctrine of popular sovereignty, and a suggestive example of the operation of the Kansas-Nebraska bill.

Resolved, That since this is his interpretation of the constitution and the law, the people of Maine demand of the President its practical recognition by an immediate withdrawal of the federal army, the territorial governor and the infamous judiciary, that the "State" of Kansas may be left, like "Georgia or South Carolina," to the government of "State officers and to the protection of a "State" militia.

Resolved, That the Lecompton constitution was conceived in fraud and brought forth in contemptuous defiance of the popular will and in mockery of the professions of the Kansas-Nebraska bill by which alone the iniquity became possible.—Maine enters her solemn and indignant protest against the stupendous swindle.

Resolved, That those members of Congress who, at the passage of the Kansas-Nebraska bill, professed a belief in its avowed principle of popular sovereignty, are now loudly called upon to vindicate the sincerity of their professions by repudiating the Lecompton constitution in which that principle has been shamelessly betrayed.

Resolved, That if that constitution shall finally be forced upon Kansas against the solemn remonstrance of its people, then, in the opinion of this Legislature, they will be justified in resisting it at all hazards and to the last extremity; and in so righteous a struggle the people of Maine are ready to aid them both by sympathy and action.

Resolved, That the people of Maine have just cause for gratitude and pride that they are now fully represented in both branches of Congress by men who, entertaining and maintaining sentiments and principles in harmony with an immense majority of their constituents, require no specific instructions from this Legislature. While their past course meets our approval, it affords us the surest guarantee that they will, to the extent of their ability, strive to avert from

our country the impending danger by resisting to the end the attempted outrage of forcing upon the free people of Kansas a slavery constitution that they abhor, and in the formation of which they have had no part.

Resolved, That the Governor be requested to forward a copy of these resolves to the Governors of the several States and Territories, to be laid before the legislatures thereof, and to each of our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

Read and passed in the House of Representative, March 13, 1858.

JOSIAH H. DRUMMOND,

Speaker.

Read and passed in Senate, March 16, 1858.

SETH SCAMMAN,

President.

Approved March 16, 1858.

LOT M. MORRILL.

OFFICE OF SECRETARY OF STATE, }
Augusta, March 18, 1858. }

I hereby certify that the foregoing is a true copy of the original deposited in this office:

NOAH SMITH, JR.

Secretary of State.

Assembly Message.

MR. PRESIDENT:

I am directed to inform you that the Assembly has passed
J. Res. No. 46 A.,

Concerning a recess from March 29th to April 8th.

And has concurred in the passage of

J. Res. No. 34 S.,

With an amendment in which the concurrence of the Senate is requested.

Message considered.

J. Res. No. 34 S.,

Amendments of Assembly concurred in
J. Res. No. 46 A.

Senator Cook moved to lay on the table.

The ayes and noes were demanded.

Those voting in the affirmative were:

Messrs Bean, Boyd, Clark, Cook, Davis, Giles, Joiner,
Kingston, Maxon, Mears, Schuleis, Simpson, Smith, Sutherland
Warren, Wheeler and Worthington—18.

Those voting in the negative were:

Messrs. Bennett, Chappell, Chase, Greulich, Hanchett,
Kimball, Martin, Virgin, Walsh—9.

The motion prevailed.

BILLS REPORTED BY COMMITTEE OF THE WHOLE.

No. 372 A., a bill for an act declaratory to the rights of
defence of mortgages in certain cases.

Amendments of committee concurred in.

Ordered to third reading.

Rules suspended.

Read the third time.

Passed.

The ayes and noes being required,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Cook, Davis, Greu-
lich, Hanchett, Joiner, Kingston, Maxon, Mears, Schuleis,
Simpson, Sutherland, Virgin, Warren, Walsh, Worthington,
—18.

Those voting in the negative were,

Noes—Messrs. Chase, Giles, Pier, Wheeler—4.

Title agreed to.

On motion,

Senate resolved itself into

COMMITTEE OF THE WHOLE,

On the general file.

Senator Martin in the chair.

After some time spent therein, committee rose and submit-
ed the following

REPORT:

The Senate in committee of the whole have had under consideration the general file of bills, and have instructed me to report the following bills:

Nos. 213 S., and 44, 291, 318, 321, 323, 357, 317, 319, 322, 143, and 142 A.

Without amendment, and recommend their passage.

Nos. 242 and 207 S.

With amendments, and recommend their passage when so amended.

And report a substitute for

No. 276 S.

And recommend its adoption.

M. L. MARTIN,
Chairman.

Senator Giles in the chair.

ORDERED ENGROSSED AND READ THIRD TIME.

Report taken up and considered.

No. 276 S., a bill for an act to amend chapter 68 of the general laws A. D. 1853, being an act entitled "an act providing for the organization of joint stock companies.

Substitute reported by committee.

Adopted.

No. 207 S., a bill for an act entitled An act to provide for the payment of interest money on private mortgages made to rail road companies to secure the payment of money obligations given in payment for stocks of any such companies.

Upon concurring in the amendment of the committee.

Senator Wheeler called for a division of the question.

The question was first taken upon the amendment proposed to section 13.

The amendment was rejected.

The remaining amendments were concurred in.

The question being upon ordering the bill to engrossment and third reading,

The ayes and noes were demanded,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kingston, Maxon, Mears, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—22.

Those voting in the negative were,

Noes—Messrs. Chase, Kimball—2.

Ordered to engrossment and third reading.

No. 242 S, a bill for an act to establish a better system for keeping and managing school fund, university and swamp land fund, and to amend chapter 24 of the revised statutes, entitled "of school and university lands, etc.

Amendments of committee concurred in.

Ordered that the engrossed bill be printed.

Message from the Assembly.

The Assembly has passed.

Joint Resolution No. 47, relative to a recess from March 31st, to April 10th.

In which the concurrence of the Senate is requested.

Senator Hanchett moved to suspend the rules for the purpose of considering the message.

The ayes and noes being demanded,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Chappell, Clark, Cook, Davis, Greulich, Hanchett, Kimball, Mears, Schulteis, Simpson, Smith, Virgin and Worthington.—15.

Those voting in the negative were:

Messrs. Boyd, Chase, Giles, Joiner, Kingston, Martin, Maxon, Pier, Sutherland, Warren, Wheeler—12.

Senate refused to suspend rules.

And

Proceeded with the order of business.

ORDERED TO THIRD READING.

No. 318 A., a bill for an act to appropriate to O. S. Phelps the sum of \$10,50.

No. 321 A., a bill for an act to appropriate to Gleason & Brother, the sum of \$284,44.

The ayes and noes being demanded.

Those voting in the affirmative were :

Messrs. Bean, Boyd, Chappell, Clark, Cook, Davis, Giles, Greulich, Hanchett, Joiner, Kimball, Kingston, Maxon, Mears, Pier, Schulteis, Simpson, Sutherland, Virgin, Wheeler and Worthington.—21.

Those voting in the negative were :

Messrs. Bennett, Chase, Martin, Warren.—4.

No. 44 A., a bill for an act to change the time for holding the annual election of Directors of the Wisconsin Central Railroad Company.

By the following vote :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Giles, Hanchett, Joiner, Maxon, Mears, Pier, Schulteis, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—20.

Noes—Messrs. Cook, Greulich, Kimball, Kingston—4.

OTHERWISE DISPOSED OF

The Senate refused to order the following bills to a third reading :

No. 213 S., a bill recommending to the electors of this State to vote for or against a convention to revise the constitution.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Bean, Boyd, Chappell, Clark, Davis, Hanchett, Kimball, Maxon, Pier, Schulteis, Wheeler—11.

Those voting in the negative were,

Messrs. Bennett, Chase, Cook, Giles, Greulich, Joiner, Kingston, Martin, Mears, Simpson, Smith, Sutherland, Virgin, Warren, Worthington—15

No. 291 A., a bill to appropriate to H. H. Houghton & Co. \$1,388.

By the following vote :

Ayes—Messrs. Chappell, Cook, Davis, Joiner, Maxon, Mears, Simpson, Smith, Virgin—9,

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Giles, Greulich, Hanchett, Kingston, Martin, Pier, Schulteis, Sutherland, Warren, Wheeler, Worthington—16.

Senator Bean moved to adjourn until 7 1-2 o'clock P. M.

Senator Chase moved a call of the Senate.

Call was had.

The absentees without leave were Senators Proudfit and Walsh.

The Sergeant-at-arms was dispatched for the absentees.

Senator Bean moved to dispense with further proceedings under the call.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bean, Boyd, Chase, Davis, Giles, Joiner, Kingston, Maxon, Pier, Schulteis, Simpson, Sutherland, Warren, Wheeler, Worthington—15.

Noes—Messrs. Bennett, Chappell, Clark, Cook, Greulich, Hanchett, Kimball, McClellan, Martin, Mears, Smith, Virgin—12.

Call suspended.

Senator Kimball moved to suspend the rules for the purpose of considering the message from the Assembly.

The motion prevailed.

Joint Resolution No. 47 S., taken up.

Senator Chase moved to lay on the table.

The ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Cook, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Martin, Maxon, Pier, Smith, Sutherland, Virgin, Warren, Wheeler, Worthington—20.

Those voting in the negative were :

Messrs. Chappell, Clark, Hanchett, Mears, Schulteis, Simpson—6.

Senator Warren moved to adjourn until 7 1-2 o'clock Monday evening

Senator Greulich moved to adjourn.

The ayes and noes being called for and ordered, were as follows :

Those voting in the affirmative were,

Messrs. Boyd, Clark, Cook, Davis, Greulich, Maxon, Mears, Pier, Schulteis, and Sutherland—9.

Those voting in the negative were :

Messrs. Bean, Bennett, Chappell, Chase, Giles, Hanchett, Joiner, Kimball, Kingston, Martin, Simpson, Smith, Virgin, Warren, Wheeler, and Worthington—16.

Senate refused to adjourn.

The question recurring on the motion of Senator Warren,

The ayes and noes being demanded,

Those voting in the affirmative were

Messrs. Bean, Bennett, Chappell, Chase, Davis, Giles, Joiner, Smith, Warren and Worthington—11.

Those voting in the negative were :

Messrs. Boyd, Clark, Cook, Greulich, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Pier, Schulteis, Simpson, Sutherland, Virgin and Wheeler—16.

Senate refused to adjourn.

Senator Clark moved to adjourn until 3 o'clock P. M.

The motion prevailed.

Senate adjourned.

3 o'clock, P. M.

Senate assembled.

Lieut. Governor in the chair.

Roll of Senators called.

Absentees—Senators Chappell, Clark, Cook, Davis, Giles, McClellan, Smith, Sutherland, Tucker, Warren, Walsh, Wheeler, and Worthington.

Senator Schulties moved to go into,

COMMITTEE OF THE WHOLE,

On the general file of bills.

Senator Bean moved a call of the Senate.

Call was had.

The absentees without leave were :

Senators Chappell, Clark, Cook, Giles, Davis, Smith, Sutherland, Warren, Walsh, Wheeler, and Worthington.

The Sergeant-at-Arms was despatched for the absentees.

Senator Chase moved to dispense with further proceedings under the call.

The ayes and noes being called for and had were as follows :

Ayes—Messrs. Bean, Bennett, Chase, Greulich, Martin, Pier Schulties, and Virgin—8.

Ayes—Messrs. Boyd, Hanchett, Kimball, Kingston, Maxon, Mears, Proudfit, and Simpson—8.

Not agreed to.

Senator Virgin moved to adjourn,

Senate refused to adjourn.

On motion of Senator Kimball,

Further proceedings under the call dispensed with.

Senator Simpson moved a reconsideration of the vote by which the Senate laid Joint Resolution No. 47 A, on the table.

The ayes and noes being demanded,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Chappell, Clark, Cook, Davis, Greulich, Kimball, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith—15.

Those voting in the negative were,

Noes—Messrs. Boyd, Chase, Hanchett, Kingston, Pier, Sutherland, Virgin—7.

The motion prevailed.

Joint Resolution No. 47 A., concerning a recess of the legislature.

Taken up.

Senator Kingston moved to amend by inserting "mileage and" before the word "pay."

Not agreed to.

Senator Virgin moved to amend by striking out "10th," and inserting "21st."

Senator Bean moved to amend the amendment by striking out "21st," and inserting "12th."

Not agreed to.

The amendment of Senator Virgin was rejected.

The question being on the passage of the resolution.

The ayes and noes were demanded,

Those voting in the affirmative were:

Messrs. Bennett, Chappell, Clark, Cook, Greulich, Kimball, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Wheeler—14.

Those voting in the negative were:

Messrs. Bean, Boyd, Chase, Davis, Hanchett, Kingston, Pier, Sutherland, Virgin—9.

The resolution was passed,

On motion,

Senate resolved itself into,

COMMITTEE OF THE WHOLE,

On the general file.

Senator Maxon in the chair.

After some time spent therein, committee rose and through their chairman submitted the following:

REPORT.

The Senate in committee of the Whole have had under consideration the general file of bills and have instructed me to report the following bills:

Nos. 206, 241, 266, 251, 112 S. with amendments and recommend their passage when so amended.

Nos. 156, 58, 253, 204, 387, 304, 202, 435, 178, 150, A. 292, 128, 293 and 305 S.

Memorials.

Nos. 161, 87, 159, 182, 132, 155 A. and 22 S. without amendment and recommend their passage.

No. 444 A.,

Recommending reference to committee on judiciary.

No. 98 A.,

Recommending indefinite postponement.

No. 287 S.,

Recommending reference to select committee, of which Senator Hanchett shall be chairman.

No. 81 S.,

Recommending reference to committee on incorporations.

MAXON.

Chairman.

[No. 290 S, recommending reference to joint committee on state university.

CLARK, Chairman.

Senator Martin moved a reconsideration of the vote by which the Senate refused to order No. 213 S., to engrossment and third reading.

Pending which,

On motion of Senator Clark,

Senate adjourned.

SENATE CHAMBER, }
March 29, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor presiding.

Roll of Senators called.

The absentees were,

Senators Clark, Cook, Davis, Giles, McClellan, Tucker, Warren, Walsh and Wheeler.

Leave of absence was granted to Senators Cook and Walsh.

Journal of yesterday read and approved.

The motion of Senator Martin, pending at the time of ad-

jourment, Saturday P. M., for a reconsideration of the vote refusing to order bill No. 213 S. to a third reading,

Taken up.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Clark, Greulich, Kimball, Martin, Maxon, Mears, Proudfit, Schulteis and Wheeler—13.

Noes—Messrs. Bean, Hanchett, Kingston, Pier, Simpson, Smith and Virgin—8.

The motion prevailed.

No. 213 S. ordered engrossed and read third time.

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RESOLUTIONS INTRODUCED.

By Senator Chase.

Resolved, That the Sergeant-at-Arms be instructed to have the carpet in the Senate Chamber taken up and well shaken, the floor washed and the chamber cleaned during the recess.

By Senator Martin.

Resolved, That the commissioners of school and university lands be requested to postpone the [apportionment of the income of overflowed and swamp land fund until the further direction of the Legislature.

Senator Martin moved a suspension of the rules.

The ayes and noes being demanded and had were as follows:

Ayes—Messrs. Clark, Greulich, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, and Wheeler—12.

Noes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Pier, Smith, Sutherland, Virgin and Worthington.—10.

Senate refused to suspend rules.

By Senator Sutherland.

No. 104, S.,

Resolved, That the commissioners of school and university lands be requested to postpone the apportionment of fifty per cent of the net income, arising from the sales of the swamp

and overflowed lands, which fifty per cent is intended to embrace the income of the 25 per cent first set apart for drainage and also the 25 per cent additional—now proposed to be set apart for drainage—until the further direction of the Legislature.

Rules suspended.

Resolution adopted.

RESOLUTIONS CONSIDERED.

No. 102 S.

Resolved, That the superintendent of public instruction be requested to communicate to the Senate, whether, in his opinion, the "Wisconsin Journal of Education," is subserving the cause of popular education, and, also, whether the same is worthy of the patronage now bestowed upon it by the State.

Adopted.

No. 103 S.

Resolved, That hereafter, no local bills will be considered by the Senate, except on Mondays and Saturdays of each week, and that no bills eliciting debate, will be considered on Tuesdays.

Laid on the table until after the recess.

By Senator Joiner,

Resolved by the Senate, the Assembly concurring, That this Legislature will adjourn *sine die* on Monday the 19th day of April at 6 o'clock A. M., and that no new business will be received after the 1st day of April, except such as is necessary to close up the business already commenced.

Indefinitely postponed.

By Senator Cook.

Resolved, That from and after this day the Senate will not suspend the rules of the Senate for the purpose of the consideration or passage of any bill hereafter introduced, until after the passage of such bills as are now pending in either House.

Not agreed to.

BILLS INTRODUCED,

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Simpson.

No. 349 S., a bill for an act in relation to State, County, Town and Private Roads.

To general file.

By Senator Hanchett.

No. 350 S., a bill for an act to enable the South Line and Wausau Plank Road Company to transfer all of its rights and privileges as a corporation, to the county of Marathon, and to enable said county to receive and exercise such rights and privileges.

To committee on town and county organization.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee report back bill,

No. 187 S., an act to incorporate the Neenah Hydraulic company, with amendments and recommend its passage when so amended.

By Senator Smith,

The joint committee on enrolled bills, report that they on the 27th inst. presented to the Governor for his approval,

No. 496 A., a bill for an act to amend an act entitled, An act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved Feb. 20, 1852; and to enable the electors of the city of Milwaukee to revise, codify and amend their charter.

No. 324 S., an act to amend an act entitled, an act to amend an act entitled, "An act to incorporate the city of Beloit," approved March 31st, 1856.

WM. E. SMITH,

Of Sen. Com.

GEO. C. SMITH,

Of Asem. Com.

By Senator Smith,

The joint committee on enrolled bills report that they have examined and found correctly enrolled,

No. 329 S, an act to provide for the election of Directors of the La Crosse and Milwaukee Railroad Company.

WM. E. SMITH,
Of Senate Com.
GEO. C. SMITH,
Of Assem. Com.

By Senator Smith,

The joint committee on enrolled bills report that they have examined and compared the following Joint Resolution and Bill, and find them correctly enrolled :

No. 34 S, Joint resolution No. 34, relating to the location of the N. E. Land Grant Railroad.

No. 197 S, an act to fix the compensation of the revisors of the general laws of this State.

WM. E. SMITH,
Of Senate Com.
GEO. C. SMITH,
Of Assembly Com.

By Senator Boyd,

The committee on public printing, to whom was referred.

Joint Resolution No. 22 A, in regard to printing in foreign languages.

Have had the same under consideration, and report it back to the Senate without any recommendation ; but your committee would state, that both the German and Norwegian presses have commenced work, and incurred some expense upon the documents proposed to be printed under the resolution. The printing proposed under the resolution will cost at least \$2,000.

J. W. BOYD, Chairman.

By Senator Mears,

The committee on engrossed bills report bill

No. 108 S, a bill for an act to establish an agricultural college.

As correctly engrossed.

MEARS,
KIMBALL, From committee.

By Senator Boyd,

The committee on public printing to whom was referred the communication of the State Printers, relative to the printing of the revised statutes, have had the same under consideration, and as the matter involves the decision of a nice legal question, we would report the communication back to the Senate with the recommendation that it be referred the judiciary committee.

BOYD, Chairman.

By Senator Simpson,

The committee on roads, bridges, and ferries, to whom was referred bill,

No. 249 S., a bill for "an act in relation to town roads in this State" recommend that said bill be amended as follows:

Amend the title of said bill by striking out the words "this State," and insert "county of Rock," instead thereof.

Amend Sec. 1, in the 2d line by striking out the words, "this State," and insert the words, "county of Rock," in lieu thereof. And insert the word "legally" before the word "declared," in 2d line of said section. Also, strike out the words "by town and county Boards of Supervisors," in the third line of said section.

And when said amendments are adopted, recommend its passage.

P. B. SIMPSON,

Chairman.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT:—

I am instructed to present to you for signature,

No. 197 S., an act to fix the compensation of the revisors of the general laws of this State.

Joint Resolution No. 34 S., relating to the location of the North Eastern Land Grant Rail Road.

No. 428 A., an act to amend chapter 132 of the private and local laws of 1857, entitled An act to incorporate the city of Appleton.

Which have been signed by the Speaker.

MR. PRESIDENT—

I am directed to inform you that the Assembly has passed Joint Resolution No. 48 A., authorizing certain committees to sit during the recess of the legislature.

In which the concurrence of the Senate is requested.

MR. PRESIDENT:

I am directed to inform you that the Assembly has concurred with the Senate in the passage of

No. 329 S., an act to provide for the election of Directors of the La Crosse and Milwaukee Rail Road Company.

MR. PRESIDENT—

I am directed to inform you that the Assembly have passed No. 538, A., a bill for an act to incorporate the Lake Michigan Transit Company.

No. 560, A., a bill for an act to repeal so much of section 36, of an act to incorporate the village of Black Earth, approved March 7th, 1857, as relates to the election of judicial officers.

No. 259, S., a bill for an act to require the State Prison Commissioner to allow the account of Whitney & Danford, amounting to \$51 84.

No. 277, S., a bill for an act to appropriate to Edward M. MacGraw, State Prison Commissioner, the sum of money therein named, to wit: \$35,000.

No. 180, A., a bill for an act to authorize county boards of supervisors to appoint commissioners to lay out highways in certain cases.

No. 464, A., a bill for act to provide for the payment of the assistants in the office of the Superintendent of Public Property.

No. 310, S., a bill to appropriate to John Hill the sum of money therein named.

And,

J. R., No. 13, A., relative to the Lecompton constitution.

And has concurred in the Senate amendments to,

No. 197, S., a bill for an act to fix the compensation of the revisors of the general laws of this State.

And has indefinitely postponed the consideration of;

No. 132, S., a bill for an act to authorize the Secretary of State to audit certain accounts.

And has concurred with the Senate in adopting the report of the committee of conference upon,

No. 29, S., an act to legalize and provide for the collection of taxes in the county of Portage, for the year 1857.

No. 149, S., a bill for an act to release the claim of the State of Wisconsin to certain lands therein specified.

I am further directed to present for your signature,

No. 496, A., an act to amend an act entitled an act to consolidate and amend the acts to incorporate the city of Milwaukee, and theseveral acts amendatory thereof, approved February 20, 1852, and to enable the electors of the city of Milwaukee to revise, codify and amend their charter.

And,

No. 324, S., an act to amend an act, entitled an act to amend an act, entitled "an act to incorporate the city of Beloit," approved March 31, 1856¹

Which have been signed by the Speaker.

MESSAGES TAKEN UP.

Joint Resolution No. 48 A.

Senator Virgin moved to lay on table.

The ayes and noes being demanded were as follows :

Ayes—Messrs. Boyd, Kingston, Sutherland and Virgin—4.

Noes—Messrs. Bean, Bennett, Chappell, Chase, Greulich, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith and Worthington—15.

Not agreed to.

The resolution was adopted by the following vote :

Those voting in the affirmative were,

Messrs. Bean, Bennett, Chappell, Chase, Clark, Greulich, Hanchett, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Virgin, Wheeler and Worthington—18.

Those voting in the negative were,
Messrs. Boyd, Kimball, Kingston, Sutherland—4.

READ FIRST AND SECOND TIMES.

No. 538 A.,

Referred to Committee on Incorporations.

No. 180 A.

To Committee on Roads, Bridges and Ferries.

No. 560 A., No. 464 A.

Senator Prondfit moved to suspend the rules for the purpose of considering No. 560 A. and No. 464 A.

No. 464 A.

The motion prevailed.

Ordered to third reading,

Read the third time.

Passed.

The ayes and noes being demanded,

Those voting in the affirmative were

Senators Bennett, Boyd, Chappell, Chase, Clark, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Wheeler, and Worthington—20.

Title agreed to.

No. 560 A.,

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

Joint Resolution No. 13 S.,

Senator Martin moved to make it the special order for 7 1-2 o'clock, P. M.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Chappell, Clark, Greulich, Hanchett, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, and Sutherland—11.

Noes—Messrs. Bean, Bennett, Boyd, [Chase, Kimball, Kingston, Pier, Smith, Virgin, Wheeler, and Worthington—11.

There being no decision, the President gave the casting vote in the affirmative, and the motion prevailed.

BILLS ON THIRD READING, READ THIRD TIME AND PASSED.

No. 276 S., a bill for an act to amend chapter 68 of the general laws A. D. 1853, being an act entitled "an act providing for the organization of joint stock companies.

No. 318 A., a bill for an act to appropriate to O. S. Phelps the sum of \$1050.

The ayes and noes being required.

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis, Greulich, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler and Worthington—21.

None voting in the negative.

No. 321 A., a bill for an act to appropriate to Gleason & Brother, the sum of \$284 44.

The ayes and noes being required,

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Greulich, Hanchett, Kingston, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler, Worthington—19.

Senator Martin voted in the negative.

No. 44 A., a bill for an act to change the time for holding the annual election of Directors of the Wisconsin Central Railroad Company.

Senator Clark in the chair.

BILLS REPORTED BY COMMITTEE OF THE WHOLE

Senator Greulich moved a suspension of the rules on all bills reported by committee of the whole, and that they be now put on their final passage.

The motion prevailed.

The following bills were then severally ordered to a third reading.

Read the third time, and

Passed.

No. 322 A, a bill for an act to appropriate to Green & McKay \$13 70.

The ayes and noes being required,

Those voting in the affirmative were,

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kingston, Martin, Maxon, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler, Worthington.

—18.

None voting in the negative.

No. 143 A, a bill for an act to authorize the Register of Deeds of Eau Claire county to procure certain records.

No. 319 A, a bill to appropriate to Adams & Adams \$267.
22.

The ayes and noes being required,

Those voting in the affirmative were :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kingston, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler, and Worthington—18.

Senator Martin voting in the negative.

No. 317 A., a bill for an act to appropriate to S. M. Booth \$16.

The ayes and noes being required

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulties, Smith, Sutherland, Virgin, Wheeler and Worthington—19.

No. 357 A., a bill for an act to appropriate to William H. Auther & Co., \$104.

The ayes and noes being required.

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kingston, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler and Worthington—18.

No. 323 A., a bill for an act to appropriate to Herman L. Page \$360 36.

The ayes and noes being required.

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kimball, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Smith, Sutherland, Virgin, Wheeler and Worthington—19.

Senator Schulteis voted in the negative.

No. 142 A., a bill for an act to amend Sec. 5 of chapter 121 of the general laws of 1856, entitled, "an act concerning Railroads."

No. 156 A., a bill for an act to appropriate to Mathias Wicks a sum of money for labor about the capitol.

The ayes and noes being required, those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Clark, Greulich, Hanchett, Kimball, Kingson, Maxon, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler and Worthington—19.

Those in the negative were,

Messrs. Chase and Martin—2.

No. 150 A., an act to authorize the city of Oshkosh to aid in the construction of a Railroad, and,

The ayes and noes being required, those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Hanchett, Kingston, Martin, Mears, Pier, Proudfit, Schulteis, Smith, Sutherland, Virgin, Wheeler and Worthington—18.

Senator Maxon voted in the negative.

No. 58 A., a bill for an act to establish a rule of evidence in certain cases.

Senator Chappell moved that Assembly bill No. 58 be taken up and referred to a select committee, consisting of Senators Hanchett, Kimball and Simpson, with instructions to report the constitutionality and practicability of such a law.

Not agreed to.

No. 178 A.; a bill for an act to amend the charter of the Wisconsin State Insurance Company, and an act amendatory thereto, approved March 4th, 1857.

No. 435 A., a bill for an act to amend an act approved March 25th, 1854, entitled An act to incorporate the Western Wisconsin Mining Company.

No. 304 A., a bill for an act to authorize the trustees of the Wauwotosa Cemetery Association, of the town of Wauwotosa, to remove certain dead bodies.

The ayes and noes being demanded.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Clark, Davis, Greulich, Hanchett, Kingston, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Wheeler and Worthington—17.

Those voting in negative were,

Messrs. Chase, Kimball, Martin, Maxon, Pier, Virgin—6.

No. 387 A., a bill for an act to legalize the acts of agents appointed of county boards, of supervisors of Green County.

No. 202 A, a bill for an act to amend an act entitled an act to incorporate the village of Viroqua. Approved 9th March, 1857.

No. 204 A, a bill for an act to amend an act entitled An act to incorporate the Lawrence Institute of Wisconsin.

No. 293 S, a bill for an act to authorize the county judge of Winnebago county to perfect records and papers in his office.

No. 241 S, A bill for an act to provide for the relief of persons by the foreclosure of mortgages in certain cases.

Amendments of committee concurred in.

The question being on ordering to third reading,

The ayes and noes were demanded.

Those voting in the affirmative were,

Ayes—Messrs. Bennett, Boyd, Chappell, Clark, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Sutherland, Worthington—16.

Those voting in the negative were,

Noes—Messrs. Chase, Pier, Wheeler—3.

Passed.

Senator Greulich moved a re-consideration of the vote passing the bill.

The ayes and noes being demanded, were as follows :

Ayes—Messrs. Bennett, Boyd, Chappell, Chase, Greulich, Kimball, Proudfit, Simpson, Smith, Wheeler, Worthington—11.

Noes—Messrs. Clark, Hanchett, Kingston, Martin, Maxon, Mears, Pier, Schulteis, Sutherland, Virgin—10.

The motion prevailed.

Upon the passage of the bill,

The ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Greulich, Hanchett, Kingston, Martin, Maxon, Mears, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland, Virgin, Wheeler, Worthington—20.

Those voting in the negative were :

Messrs. Chappell and Kimball.

No. 305 S., a bill for an act to organize the county of Kewanee, for judicial purposes.

No. 123 S., a bill for an act to detach the county of Winnebago from the 4th judicial circuit, and attach the same to the 10th judicial circuit.

No. 206 S., a bill to amend chapter 120 of the Revised Statutes entitled, "of the lein of mechanics and others."

Amendments of committee concurred in.

No. 251 S., a bill to amend the "act to incorporate an association for the completion of the improvement of the Fox and Wisconsin rivers." approved July 6th 1853.

Amendments of committee concurred in.

Senator Martin moved to amend by inserting after the word "except" in the last line of 1st Sec., the words, "to discharge existing liabilities of said company and"

Agreed to.

No. 112 S., a bill in relation to rail road bridges.

Amendments of committee concurred in.

Also the following memorials.

No. 155 A, memorial to Congress for a mail route from Richland Center via Rockbridge, Westford and Cazenovia, in Richland county, to Ironton, in Sauk county.

No. 176 A, memorial to Congress for a mail route from Tolens' Corners to Beardstown.

No. 193 A, memorial to Congress for a mail route from Mineral Point, via Linden, Constance and Highland to Avoca,

No. 87 A, memorial to Congress for mail route.

No. 159 A., memorial to Congress for a mail route from Lone Rock, via Bear Creek, in Richland county, via Sandusky, Ironton and La Salle, in Sauk county, via Summitt and Lindina to Mauston in Juneau county.

No. 182 A., memorial to Congress for a mail route from Sheboygan city to West Bend, Washington county.

Mem. No. 182 A., memorial for a mail route from Sheboygan city to West Bend, Washington county.

No. 131 A., memorial to Congress for a mail route from Edgerton, Rock County, to Waterloo, in Jefferson county.

No. 161 A., memorial to Congress for a mail route from Prairie du Sac in Sauk county, via Sauk city, Harrisburgh Plain and Marqua to Sextonville in Richland county.

No. 22 S, memorial to the President of the United States asking the extinguishment of the Indian titles to certain lands in this State.

REFERRED.

No. 81 S., a bill for an act to incorporate the village of Greenwood.

To committee on incorporations.

No. 287, S., a bill for an act to repeal all laws now in force authorising the issue of bonds to railroad companies.

To select committee consisting of Senators Wheeler, Simpson and Hanchett.

No. 290, S., a bill for an act to appropriate the income of the University funds for the year 1858.

Referred to select committee for visiting State University, of which Senator Clark is chairman.

No. 444, A., a bill for an act to require Monroe Palmer to construct a chute in a certain mill dam.

To committee on judiciary.

INDEFINITELY POSTPONED.

No. 98 A., entitled a bill for an act to incorporate the village of Penoka.

No. 266 S., a bill for an act to amend chapter 102 of the general laws of 1857 entitled, "an act to fix the salaries of the Judges of the circuit courts."

The question being on concurring in the amendments of the committee.

The ayes and noes were demanded,

Those voting in the affirmative were :

Messrs. Chappell, Chase, Clark, Davis, Greulich, Hanchett, Kimball, Mears, Proudfit, Simpson, and Wheeler—11.

Those voting in the negative were :

Messrs. Bean, Bennett, Boyd, Kingston, Martin, Maxon, Pier, Schulteis, Smith, Sutherland Virgin, and Worthington—12.

The amendments were rejected.

Senator Bennett moved to amend by striking out Sec. 2, of said bill.

The ayes and noes being called for, and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chappell, Chase, Davis, Greulich, Hanchett, Kimball, Kingston, Maxon, Pier, Simpson, Sutherland, Virgin, Wheeler, and Worthington—17

Noe —Messrs. Clark, Martin, Mears, Proudfit, Schulteis, Smith—6.

The amendment was adopted.

Senator Simpson moved to lay on the table until after the recess.

Thee ayes and noes being demanded,

Those voting in the affirmative were :

Ayes—Messrs. Chappell, Chase, Clark, Greulich, Hanchett, Kimball, Mears, Proudfit, Simpson, Wheeler—10.

Those voting in the negative were :

Noes—Messrs. Bean, Bennett, Kingston, Martin, Maxon, Pier, Schulteis, Smith, Sutherland, Virgin, Worthington—11.

Not agreed to.

Senator Wheeler moved to indefinitely postpone.

The ayes and noes being called for and taken, were as follows :

Ayes—Messrs. Bennett, Chappell, Chase, Clark, Davis, Greulich, Hanchett, Kimball, Maxon, Mears, Proudfit, Simpson, Wheeler—13.

Noes—Messrs. Bean, Boyd, Kingston, Martin, Pier, Schulteis, Smith, Sutherland, Virgin, Worthington—10.

The motion prevailed.

LAI'D ON THE TABLE.

No. 253 A, a bill for an act to authorize Israel J. Henduleister to keep and maintain a ferry across the Wisconsin river.

On motion of Senator Proudfit,

No. 292 S. a bill for an act to amend chapter 479 of general laws of 1852, entitled An act to authorize the business of banking in the State of Wisconsin,

Was returned to general file for re-consideration in committee of the whole.

Senator Pier moved a suspension of the rules for the purpose of considering

No. 75 S, and 375 A.

The motion prevailed.

Rules suspended,

No. 75 S, a bill to appropriate to Donaldson & Tredway a sum of money.

Amendments of committee adopted.

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required,
Those voting in the affirmative were,
Messrs. Bean, Boyd, Chappell, Clark, Davis, Greulich,
Hanchett, Kimball, Kingston, Maxon, Mears, Pier, Proudfit,
Schulteis, Simpson, Smith, Sutherland, Virgin, Wheeler, and
Worthington.—20.

Those voting in the negative were :

Messrs. Bennett and Chase—2.

Title agreed to.

No. 375 A., a bill for an act to appropriate to J. L. Jenckes
the sum of \$28 20.

Ordered to a third reading.

Read the third time.

Passed.

The ayes and noes being required,

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis,
Greulich, Hanchett, Kimball, Kingston, Maxon, Mears, Pier,
Proudfit, Simpson, Smith, Sutherland, Virgin, Wheeler and
Worthington—21.

Title agreed to.

Senator Worthington moved to adjourn.

The ayes and noes being called for and ordered, were as
follows :

Ayes—Messrs. Bennett, Chappell, Chase, Greulich, Kim-
ball, Maxon, Proudfit, Schulteis, Simpson, Virgin, Wheeler,
Worthington—12.

Noes—Messrs. Bean, Boyd, Clark, Davis, Hanchett, Kings-
ton, Martin, Mears, Pier, Smith, Sutherland—11.

The motion prevailed.

Senate adjourned.

SENATE CHAMBER,
March 30, 9 o'clock, A. M. }

Senate assembled.

Lieut. Governor in the chair.

Prayer by the Rev. Mr. Millour.

Roll of Senators called.

The absentees were:

Messrs. Chappell, Cook, Greulich, Hanchett, Kimball, McClellan, Martin, Pier, Proudfit, Schulteis, Simpson, Smith, Sutherland and Tucker.

Journal of yesterday read and approved.

RESOLUTIONS CONSIDERED.

By Senator Chase.

Resolved, That the Sergeant-at-Arms be instructed to have the carpet in the Senate Chamber taken up and well shaken, the floor washed and the chamber cleaned during the recess.

Senator Warren moved to amend by striking out "Sergeant-at-Arms," and inserting "Superintendent of Public Property."

Agreed to.

Resolution as amended adopted.

By Senator Martin.

Resolved, That the commissioners of school and university lands be requested to postpone the apportionment of the income of overflowed and swamp land fund until the further direction of the Legislature.

Laid on the table.

Joint Resolution No. 22 A., in relation to printing documents in foreign languages.

Senator Greulich moved to amend by striking out "10th day of April," and inserting "25th day of April."

The amendment was adopted.

Senator Boyd offered the following amendment:

Provided, The whole cost of translating and printing the above named documents, shall not exceed \$2000.

The amendment was rejected.

Senator Clark moved to amend as follows :

Amend by striking out the reports of the Blind Asylum.

Not agreed to.

Senator Kimball offered the following amendment :

Also include reports of Bank Comptroller, State Prison Commissioner, State Geologist, Commissioner House of Refuge.

The ayes and noes being demanded and had, were as follows :

Ayes—Messrs. Kimball, Schulteis—2.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Proudfit, Smith, Sutherland, Virgin, Warren, Worthington—18.

The amendment was rejected.

Senator Greulich moved to amend as follows :

Strike out 3000 of Secretary's report and insert 2000 where it aludes to German printing.

Not agreed to.

Senator Kimball offered the following amendment :

Amend by also including the Holland and Welch languages.

Senator Chase moved the previous question,

The motion was sustained, and the main question was ordered.

The question recurred upon the amendment of Senator Kimball, and the amendment was rejected.

Upon the passage of the resolution, the ayes and noes being demanded,

Those voting in the affirmative were :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Joiner, Kingston, Maxon, Mears, Schulteis, Smith, Sutherland, Virgin, Warren and Worthington.—18.

Those voting in the negative were :

Noes—Messrs. Kimball and Proudfit.—2.

Resolution adopted as amended.

BILLS INTRODUCED.

READ FIRST AND SECOND TIMES AND REFERRED.

By Senator Bean,

No. 351 S, a bill for an act to amend an act entitled an act to incorporate the village of Algernon, approved March 6th, 1857.

To committee on incorporations.

By Senator Smith,

No. 352 S, a bill for an act to amend an act entitled an act for the encouragement of academies and normal schools, approved March 7th, 1858.

To general file.

By Senator Kimball,

No. 353 S, a bill for an act to authorize the Secretary of State to audit and allow certain accounts.

To committee on claims.

COMMITTEE REPORTS.

By Senator Chase,

The judiciary committee report back bills

Nos. 166, 213, 103, 222, and 45 A.

Nos. 225, 258, 218, 200, 235, 190, 181, and 134 S.

And recommend that they be referred to the committee on incorporations, with instructions to report general laws that will meet the provisions sought for in these bills, as they are bills providing for various incorporations and companies that can be provided for by general laws.

C. S. CHASE,

Chairman.

Report of committee concurred in.

Bills so referred.

By Senator Bean,

The committee on town and county organization, to whom was referred bill

No. 350 S, being a bill for an act to enable the south line and plank road company to transfer all of its rights and privi-

leges as a corporation to the county of Marathon, and to enable said county to receive and execute such rights and privileges.

Report the same back to the Senate and recommend its passage.

S. C. BEAN,
Chairman.

By Senator Smith.

The joint committee on enrolled bills, report that on the 29th inst., they presented to the Governor for his approval

No. 197 S., an act to fix the compensation of the revisors of the general laws of the State.

No. 428 A., an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

Also,

Joint Resolution No. 34 S., relative to the location of the N. E. Land Grant Railroad.

They have also examined, and find correctly enrolled, the following bills:

No. 149 S., an act to release the claim of the State of Wisconsin to certain lands therein specified.

No. 257 S., an act requiring the register of deed of Adams county, to deliver certain records.

No. 159 S., an act to require the State Prison Commissioner to allow the account of Whitney & Danforth, amounting to fifty-one dollars and eighty-four cents.

No. 377 S., an act to appropriate to Edward M. Magraw, the sum of money therein named, to wit: thirty-five thousand dollars.

No. 310 S., an act to appropriate to John Hill the sum of money therein named.

W. E. SMITH,
of Senate Com.
GEO. C. SMITH,
of Assembly Com.

By Senator Joiner,

The committee on agriculture and manufactures, to whom was referred Senate bill No. 74, beg leave to make the following

REPORT.

The act to which this is amendatory increased the salaries of Circuit Judges from fifteen hundred to twenty-five hundred dollars. It was done on the plea that the cost of living was so much increased that judges could not possibly live upon the small pittance of one hundred and twenty-five dollars per month. Again, it was said that in order to secure a high order of talent it was necessary for us to offer a large salary as an inducement for men of that stamp to accept office. Your committee are of opinion that the revulsion in commercial affairs, and the consequent fall of prices, does away with the first argument, and the stubborn fact that we are able ever to choose from the bar the most suitable men to fill our judicial appointments, is a sufficient answer to the other. Under the old salary the question was never who will we persuade to accept the judgeship, but upon whom will we confer the favor.

Your committee believe the increase to twenty-five hundred dollars per year as unreasonable and unjust as between the industrial and professional parts of the population. There is no argument founded in reason that can be adduced in favor of so wide a margin between the value of services rendered by the professional or legal gentlemen, and those of the industrial classes. While the one is constantly increasing the value of the taxable property of the State, the other is doing no such thing, and legislation is constantly discriminating in favor of the latter. Believing that is not the interest of the State to foster the professional interests at the expense of the industrial, we return the bill to the Senate and recommend its passage.

L. W. JOINER.

By Senator Smith,

The committee on roads bridges and ferries, to whom was referred bill

No. 22 A, a bill for an act to repeal chapter 219 of the private and local laws of 1857.

And,

No. 302 S, a bill for an act to incorporate the Wyoming and Spring Green ferry and bridge company.

Have had the same under consideration, and instructed me to report the same back with a recommendation that they do pass.

P. B. SIMPSON,

Chairman.

By Senator Warren,

Joint committee on enrolled bills report correctly enrolled bill

No. 428 A, an act to amend chapter 132 of the private and local laws of 1857, entitled an act to incorporate the city of Appleton.

J. H. WARREN.

Senate Com.

GEO. C. SMITH,

Assembly Com.

By Senator Smith,

The joint committee on enrolled bills report that on the 30th inst., they presented to the Governor for his approval, the following bills:

No. 58 A, an act to establish a rule of evidence in certain cases.

No. 149 S, an act to release the claim of the State of Wisconsin to certain lands therein specified.

No. 257 S, an act requiring the Register of Deeds of Adams county, to deliver certain records.

No. 259 S, an act to require the State Prison Commissioner to allow the account of Whitney & Danforth, amounting to fifty-one dollars and eighty-four cents.

No. 277 S, an act to appropriate to Edward M. Macgraw, State Prison Commissioner, the sum of money therein named to-wit: thirty-five thousand dollars.

No. 310 S, an act to appropriate to John Hill the sum of money therein named.

No. 329 S, an act to provide for the election of Directors of the La Crosse & Milwaukee Railroad Company.

W. E. SMITH,
of Senate Com.
GEO. C. SMITH,
of Assem. Com.

Message from his Excellency the Governor:

STATE OF WISCONSIN, EXECUTIVE OFFICE, }
Madison, March 29, 1858. }

To the Hon. the Senate:

The following entitled [bills and memorials, originating in the Senate, have severally received the Executive approval, and been deposited in the office of the Secretary of State:

No. 18 S., Memorial for mail route from Mauston, in Juneau county, to Viroqua, in Bad Ax county.

No. 230 S., an act to fix the compensation of witnesses attending upon legislative committees.

No. 7 S., To amend chapter 59, of Revised Statutes, entitled, "of the alienation, by deed, of the proof and recording of conveyances and the cancelling of mortgages."

No. 226 S., to appropriate to Darwin Clark the sum of six dollars.

No. 297 S., to amend the charter of the village of Manitowoc.

No. 319 S., to amend an act entitled "an act in relation to public schools in the city of Oshkosh."

No. 324 S., to amend an act entitled, "an act to amend an act to incorporate the city of Beloit," approved March 31st, 1856.

ALEX. W. RANDALL.

MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT—

I am directed to present to you for your signature, the following bills, &c.:

No. 58 A., an act to establish a rule of evidence.

No. 149 S., an act to release the claim of the State of Wisconsin to certain lands therein specified.

No. 310 S., an act to appropriate to John Hill the sum of money therein named.

No. 257 S., an act requiring the Register of Deeds of Adams county to deliver certain records.

No. 259 S., an act to require the State Prison Commissioner to allow the account of Whiting & Danforth, amounting to fifty one dollars and eighty-four cents.

No. 277 S., an act to appropriate to Edward M. McGraw, State Prison Commissioner, the sum of money therein named, to wit.: thirty-five thousand dollars.

No. 329 S., an act to provide for the election of directors of the LaCrosse and Milwaukee Railroad Company.

Which have been signed by the Speaker.

On motion of Senator Maxon,

Rules suspended for the purpose of considering,

Joint Resolution No. 13 A., concerning the admission of Kansas under the Lecompton Constitution.

Senator Maxon moved the previous question.

The motion was sustained, and main question ordered, and the question was upon the passage of the resolution.

The ayes and noes being demanded.

The resolutions were adopted by the following vote.

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Joiner, Kimball, Kingston, Maxon, Mears, Proudfit, Smith, Sutherland, Virgin, Warren and Worthington—19.

Senator Chappell voting in the negative.

On motion, Senate resolved itself into

COMMITTEE OF THE WHOLE,

on the general file of bills.

Senator Chase in the chair.

After some time spent therein,

Committee rose and through their chairman submitted the following

REPORT:

The Senate, in committee of the Whole have had under consideration the general file, and have instructed me to report back the following bills:

Nos. 262, 294, 243, 300, 342, 341, 36 and 232 Senate.

Nos. 360, 216, 341, 412 and 324 Assembly.

Without amendment and recommend their passage.

Nos. 240 S., 192 S., 272 S., and 102 S.

With amendments, and recommend their passage, when so amended.

No. 291 S., 122 S., 233 S., 137 A., and 36 A.

And recommend that they be indefinitely postponed.

No. 244 S.

With recommendation to lay on the table.

Account of Jermain and Brightman.

With recommendation that it be disallowed.

Account of H. H. West.

With recommendation that it be referred to committee on claims.

C. S. CHASE,
Chairman.

Report of Committee taken up.

Senator Bean moved that the rules be suspended on all bills reported by committee of the whole, upon which no debate is indicated, and that such bills be now put upon their final passage.

Which was agreed to.

The following bills were then severally ordered to third reading.

READ THIRD TIME AND PASSED.

No 342 S., a bill for an act to appropriate to Rufus King & Co., the sum of \$20 00.

The ayes and noes being required.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Kim-

ball, Kingston, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Virgin, Warren, Wheeler, Worthington—18.

None voting in the negative.

No. 232 S., a bill for an act to appropriate to Abram D. Smith, the sum of sixty-five dollars.

The ayes and noes being required.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Kimball, Kingston, Maxon, Mears, Proudfit, Schulteis, Simpson, Smith, Virgin, Warren, Wheeler, Worthington—18.

None voting in the negative.

No. 341, S., a bill for an act to appropriate to H. C. Bull the sum of \$152 03.

The ayes and noes being required.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Kimball, Kingston, Maxon, Mears, Proudfit, Simpson, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—20.

None voting in the negative.

No. 262, S., a bill for an act to amend an act, entitled an act to incorporate School District No. 1, in the town of Geneva, Walworth County, approved March 9th, 1857.

No. 294, S., a bill, for an act to incorporate the Menasha and Saint Croix River Railroad Company.

No. 341, A., a bill for an act concerning judgments and leins, and leins on real estate.

The question being on ordering to third reading.

Senator Cook demanded the ayes and noes.

Which being ordered.

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Kimball, Kingston, Maxon, Mears, Proudfit, Smith, Sutherland, Virgin, Warren, Wheeler and Worthington—18.

Those voting in the negative were :

Messrs. Chappell, Cook and Simpson—3.

Read third time, and
Passed.

Senator Cook moved to amend the title so as to read "a bill for an act to amend an act of Congress,"

And demand the ayes and noes.

Those voting in the affirmative were:

Messrs. Chappell, Cook, Proudfit, Simpson and Sutherland,
—5.

Those voting in the negative were:

Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Greulich, Kimball, Kingston, Maxon, Mears, Smith, Virgin, Warren, Wheeler and Worthington—16.

Senate refused to amend.

No. 324 A., a bill for an act relating to taxes and fines due from railroad and plank road companies.

The ayes and noes being required.

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Greulich, Kimball, Kingston, Maxon, Mears, Proudfit, Simpson, Sutherland, Virgin, Warren, Wheeler, Worthington—19.

Senator Cook voting in the negative.

No. 233 A., a bill for an act in relation to the First Baptist Church and society of Beaver Dam, in the county of Dodge.

No. 216 A., a bill for an act to repeal a part of chapter 322 of the session laws of 1857, being an act entitled "an act to authorize certain towns in Marquette, Waushara and Wau-paca counties to aid in the construction of the Berlin, Wolf River and Waukeshon Railroad Company.

No. 360, A., a bill for an act to incorporate the Northport Bridge Company.

REFERRED.

No. 412, A., a bill for an act for the formation and protection of county agricultural societies.

To committee on agriculture.

INDEFINITELY POSTPONED.

No. 291, S., a bill for an act to amend an act, entitled an act to provide for the annual appointment of a joint committee on claims, approved March 6th, 1857.

The Senate refused to order to third reading.

No. 192, S., a bill for an act to appropriate to John Lowth the sum of \$72 90.

Senator Worthington moved a suspension of the rules for the purpose of considering

No. 547 A., a bill for an act to enable the town of Waukecha to raise by tax and appropriate a certain sum of money.

The motion prevailed.

No. 547 A.,

Ordered to third reading.

Read the third time.

Passed.

The ayes and noes being required,

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Cook, Davis, Giles, Greulich, Kimball, Kingston, Maxon, Mears, Proudfit, Simpson, Sutherland, Virgin, Warren, Wheeler and Worthington—20.

None voting in the negative.

COMMUNICATION.

The Hon. Members of the Senate are invited to attend the prayer-meeting at the City Hall, at 12 o'clock this day.

Senator Chase moved to adjourn until 7 1-2 o'clock P. M.

Senator Kingston moved to adjourn.

The motion prevailed.

Senate adjourned.

SENATE CHAMBER,
March 31st, 9 o'clock, A. M. }

Senate assembled.

Lient. Governor presiding.

Prayer by Rev. Mr. Britton.

Roll of Senators called.

The absentees were,

Senators Cook, Davis, Greulich, Hanchett, Kimball, McClellan, Martin, Maxon, Pier, Tucker, Virgin, Warren, and Walsh.

Journal of yesterday read and approved.

RESOLUTIONS INTRODUCED,

By Senator Bennett,

Resolved, That when the Senate adjourn on Saturday the 10th day of April next, it be to meet at 7 o'clock P. M., of Monday the 12th, ensuing.

Rules suspended.

Adopted.

By Senator Sutherland,

Resolved, That Resolution No. 104 S., be and the same is hereby recinded.

Rules suspended.

The ayes and noes being demanded,

Those voting in the affirmative were:

Messrs. Bennett, Boyd, Chappell, Chase, Davis, Giles, Joiner, Kingston, Mears, Proudfit, Schulteis, Smith, Sutherland, Worthington—14.

Those voting in the negative were:

Messrs. Cook, Kimball, Wheeler—3.

Resolution adopted.

COMMITTEE REPORTS.

By Senator Sutherland,

The committee on education, school and university lands, to whom was referred

No. 303 S, a bill to authorize the survey of swamp and overflowed lands in certain cases.

Report the same with amendment, and when so amended recommend its passage.

JAMES SUTHERLAND,

Chairman.

By Senator Smith,

The joint committee on enrolled bills, report that on the 31st inst., they presented to the Governor for his approval,

No. 190 A, an act to repeal section 306 of chapter 120 of the laws of 1856, entitled an act to simplify and abridge the practice, pleading, and proceedings of the courts of this State.

WM. E. SMITH,

Of Sen. Com.

GEO. C. SMITH,

Of Assem. Com.

By Senator Smith,

The joint committee on enrolled bills report as correctly enrolled,

No. 190 A, an act to repeal section 306 of chapter 120 of the laws of 1856, entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.

WM. E. SMITH,

Of Sen. Com.

CHAS. G. RODOLF,

Of Assem. Com.

The joint committee on enrolled bills report that they have examined and compared the following bills and find them correctly enrolled :

No. 228 A, an act to amend an act entitled "an act to incorporate the village of Burlington, in Racine county," approved March 31st, 1855.

No. 243 A, an act to amend an act entitled "an act to incorporate the village of Omro."

No. 357 A, an act to appropriate to Wm. H. Arthur & Co. the sum of \$104.

No. 318 A, an act to appropriate to O. S. Phelps the sum of \$10 50.

No. 317 A, an act to appropriate to S. M. Booth the sum of \$16.

No. 375 A, an act to appropriate to J. L. Jencks the sum of \$28 20.

No. 372 A, an act declaratory of the rights of defence of mortgages in certain cases.

No. 321 A, an act to appropriate to Gleason & Brother the sum of \$284 44.

No. 323 A, an act to appropriate to Herman L. Page the sum of \$336 36.

No. 193 A, memorial to Congress for the establishment of a mail route from Mineral Point via Linden, Constance, Highland, to Avoca.

No. 161 A, memorial to Congress for a mail route from Prairie du Sac, in Sauk County, via Sauk City, Harrisburg, Plain and Maqua, to Sextonville, in Richland county.

No. 155 A, memorial to Congress for the establishment of a mail route from Richland Center via Stockbridge, Westford and Cazenovia, in Richland county, to Ironton, in Sauk county.

No. 178 A, an act to amend the charter of the Wisconsin State Insurance Company, and an act amendatory thereto, approved March 4th, 1857.

No. 156 A, an act to appropriate to Matthias Wick the sum of \$120.

No. 322 A, an act to appropriate to Green & McKay the sum of \$13 70.

No. 319 A, an act to appropriate to Adams & Adams the sum of \$267 22.

No. 87 A, a memorial to Congress for a mail route.

No. 95 A, an act to incorporate the village of Dodgeville.

No. 58 A, an act to establish a rule of evidence in certain cases.

No. 149 S, an act to release the claims of the State of Wisconsin to certain lands therein specified.

Mo. 257 S, an act requiring the register of deeds of Adams county to deliver certain records.

No. 259 S, an act to require the State Prison Commissioners to allow the account of Whitney & Danforth, amounting to fifty-one dollars and eighty-four cents.

No. 277 S, an act to appropriate to Edward Macgraw, State Prison Commissioner, the sum of money therein named, to wit: \$5,000.

No. 310 S, an act to appropriate to John Hill the sum of money therein named.

No. 464 A, an act to provide for the payment of assistants in the office of Superintendent of Public Property.

No. 52 A, an act to incorporate the village of Two Rivers, in the county of Manitowoc.

W. E. SMITH, of Senate Com.

GEO. C. SMITH, of Assembly Com.

By Senator Smith.

The joint committee on enrolled bills, report that on the 31st inst., the presented to the Governor for his approval, the following bills and memorials.

No. 29 S., an act to legalize and provide for the collection of taxes in the county of Portage for the year 1857.

No. 303 A, an act to amend an act to incorporate the village of Elkhorn.

No. 304 A, an act to authorize the Trustees of the Wauwautosa Cemetery Association of the town of Wauwautosa, to remove certain dead bodies.

No. 143 A, an act to authorize the register of deeds of Eau Claire county, to procure certain records.

No. 387 A, an act to legalize the acts of agents appointed of County Boards of Supervisors of Green county.

No. 204 A, an act to amend an act entitled an act to amend

an act entitled An act to incorporate the Lawrence Institute of Wisconsin.

No. 435 A, an act to amend an act approved March 25, 1854, entitled An act to incorporate the Western Wisconsin Mining Company.

No. 547 A, an act to enable the town of Waukesha, to raise by tax and appropriate a certain sum of money.

No. 324 A, a bill for an act relating to taxes and fines due from Railroad and Plank Road Companies.

Also the following memorials.

No. 131 A, a memorial to Congress to establish a Mail route from Edgerton, in the county of Rock, to Waterloo, in the county of Jefferson.

No. 176 A, memorial to Congress for the establishment of a mail route from Tellers Corners to Reedstown.

No. 182 A, memorial for a mail route from Sheboygan City to West Bend, Washington county.

No. 253 A, memorial to Congress for an appropriation to construct a canal and improve the navigation of Grant River at Potosi.

No. 464 A, an act to provide for the payment of the assistants in the office of the Sup't of Public Property.

No. 250 A, an act to incorporate the village of Two Rivers, in the county of Manitowoc.

No. 560 A, an act to repeal so much of section 36, of an act to incorporate the village of Black Earth, approved March 7, 1857, as relates to the election of judicial officers.

No. 44 A, an act to change the time of holding the annual election of directors of the Wisconsin Central Rail Road Company.

No. 202 A, an act to amend an act entitled An act to incorporate the village of Viroqua, approved March 9th, 1857.

No. 95 A, an act to incorporate the village of Dodgeville.

No. 228 A, an act to amend an act antitled an act to incorporate the village of Burlington, in Racine county, approved March 31st, 1855.

No. 243 A, an act to amend an act entitled an act to incorporate the village of Omro.

No. 357 A, an act to appropriate to Wm. H. Arthur & Co. the sum of \$104.

No. 318 A, an act to appropriate to O. S. Phelps the sum of \$10 50.

No. 317 A, an act to appropriate to S. M. Booth the sum of \$16.

No. 375 A, an act to appropriate to J. L. Jencks the sum of \$28 20.

No. 321 A, an act to appropriate to Gleason & Brother the sum of \$284 44.

No. 323 A, an act to appropriate to Hermann L. Page the sum of \$336 36.

No. 193 A, memorial to congress for the establishment of a mail route from Mineral Point via Linden, Constance, Highland, to Avoca.

No. 161 A, memorial to congress for a mail route from Prairie du Sac, in Sauk county, via Sauk City, Harrisburg, Plain and Maqua to Sextonville, in Richland county.

No. 155 A, memorial to congress for the establishment of a mail route from Richland Centre via Stockbridge, Westford and Cozenovia, in Richland county, to Ironton, in Sauk county.

No. 178 A, an act to amend the charter of the Wisconsin State Insurance Company, and an act amendatory thereto, approved March 4th, 1857.

No. 156 A, an act to appropriate to Mathias Wick the sum of one hundred and twenty dollars.

No. 322 A, an act to appropriate to Green & McKay the sum of thirteen dollars and seventy cents.

No. 319 A, an act to appropriate to Adams & Adams the sum of two hundred and sixty-seven dollars and twenty-two cents.

No. 87 A, a memorial to congress for a mail route.

WM. E. SMITH,
Of Senate Com.
GEO. C. SMITH,
Of Assem. Com.

Message from his Excellency the Governor.

EXECUTIVE OFFICE, }
Madison, March 31, 1858. }

TO THE SENATE:

The following entitled acts, &c., originating in the Senate, have severally received the Executive approval, and have been deposited in the office of Secretary of State.

J. R. No. 34 S., Relating to the location of the N. E. Land Grant Railroad.

197 S., An act to fix the compensation of the Revisors of the General laws of the State.

257 S., requiring the Register of Deeds of Adams Co. to deliver certain records.

259 S., To require the State Prison Commissioner to allow the account of Whitney & Danforth amounting to \$51 84.

277 S., To appropriate to Edward M. McGraw, State Prison Commissioner the sum of money therein named, to wit, \$35,000.

310 S., To appropriate to John Hill the sum of money therein named, \$53 75.

329 S., To provide for the election of Directors of the La Crosse & Milwaukee Railroad Co.

29 S., To legalize and provide for the collection of taxes in the county of Portage for the year 1857.

ALEX. W. RANDALL.

ASSEMBLY MESSAGES.

MR. PRESIDENT—

I am directed to present for your signature the following bills, which have been signed by the Speaker, to-wit:

No. 29 S., an act to legalize and provide for the collection of taxes in the county of Portage, for the year 1857,

Mem. No. 176 A, memorial to Congress for the establishment of a mail route from Teller's Corners to Readstown.

No. 204 A, An act to authorize the Trustees of the Wauwautosa Cemetary Association, of the town of Wauwautosa, to remove certain dead bodies.

No. 150 A, an act to authorize the city of Oshkosh to aid the construction of a railroad.

No. 143 A, an act to authorize the Register of Deeds of Eau Claire county to procure certain records.

No. 142 A, an act to amend section 5 of chapter 121, of general laws of 1856, entitled an act concerning railroads.

MR. PRESIDENT—

I am directed to present for your signature,

No. 190 A, an act to repeal section 306 of chapter 120 of the laws of 1856, entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.

Which has been signed by the Speaker.

MR. PRESIDENT—

I am directed to present for your signature,

No. 324 A, a bill for an act relating to taxes and fines due from railroad and plank road companies.

Which has been signed by the Speaker.

No. 387 A, an act to legalize the acts of agents appointed by County Boards of Green county.

Mem. No. 253 A., memorial to Congress for an appropriation to construct a Canal, and improve the navigation of Grant river at Potosi.

No. 560 A., an act to repeal so much of section No. thirty-six of an act to incorporate the village of Black Earth, approved March 7th, 1857, as relates to the election of Judicial officers.

No. 204 A., an act to amend an act entitled, An act to amend an act entitled, an act to incorporate the Lawrence Institute of Wisconsin.

No. 44 A., an act to change the time of holding the annual election of Directors of the Wisconsin Central Rail Road Co.

No. 202 A., an act to amend an act entitled, "An act to incorporate the village of Viroqua," approved March 9th, 1857.

Mem. No. 182 A., memorial for a mail route from Sheboygan city to West Bend, Washington county.

Mem. No. 131 A., a memorial to Congress "to establish a mail route from Edgerton in the county of Rock, to Waterloo, in the county of Jefferson.

No. 435 A., an act to amend an act approved March 25th, 1854, entitled an act to incorporate the Western Wisconsin Mining Company.

No. 547 A., an act to enable the town of Waukesha to raise by tax and appropriate a certain sum of money.

No. 95 A., an act to incorporate the village of Dodgeville.

No. 464 A., an act to provide for the payment of the Assistants in the office of the Superintendent of Public Property.

No. 250 A., an act to incorporate the village of Two Rivers in the county of Manitowoc.

No. 303 A., an act to amend an act entitled an act to incorporate the village of Elkhorn.

No. 228 A., an act to amend an act entitled an act to incorporate the village of Burlington, in Racine county, approved March 31st, 1855.

No. 243 A., an act to amend an act entitled an act to incorporate the village of Omro.

No. 357 A., an act to appropriate to Wm. H. Arthur & Co., the sum of \$104.

No. 318 A., an act to appropriate to O. S. Phelps the sum of \$10 50.

No. 317 A., an act to appropriate to S. M. Booth the sum of \$10.

No. 375 A., an act to appropriate to J. L. Jencks the sum of \$28 20.

No. 372 A., an act declaratory of the rights of defence of mortgages in certain cases.

No. 321 A., an act to appropriate to Gleason & Brother the sum of \$284 44.

No. 323 A., an act to appropriate to Herman L. Page the sum of \$336 36.

No. 193 A., memorial to Congress for the establishment of a mail route from Mineral Point via Linden, Constance, Highland, to Avoca.

No. 161 A., memorial to Congress for a mail route from Prairie du Sac, in Sauk county, via Sauk City, Harrisburg, Plain and Maqua to Sextonville in Richland Co.

No. 155 A., memorial to Congress for the establishment of a mail route from Richland Center via Stockbridge, Westford and Cozenovia, in Richland county, to Ironton, in Sauk Co.

No. 178 A., an act to amend the charter of the Wisconsin State Insurance Company, and an act amendatory thereof, approved March 4th, 1857.

No. 156 A., an act to appropriate to Mathias Wick the sum of \$120.

No. 322 A., an act to appropriate to Green & McKay the sum of 13 70.

No. 319 A., an act to appropriate to Adams & Adams the sum of \$267 22.

No. 87 A., a memorial to Congress for a mail route.

On motion of Senator Bean,

Rules suspended for the purpose of considering

No. 446 A., a bill for an act to amend chapter 403 of the local laws of 1857, entitled, "an act to incorporate the village of Jefferson, Jefferson county."

Bill ordered to third reading.

Read the third time.

Passed.

Title agreed to.

Senator Smith moved to suspend the rules for the purpose of taking up,

No. 405 A., a bill for an act to authorize Joint School District No. 3 of Waupun, Chester, Alto and Trenton in the counties of Dodge and Fond du Lac, to levy a special tax to build a school house.

The motion prevailed.

Rules suspended.

No. 405 A.,

Ordered to third reading.

Read third time.

Passed.

Title agreed to.

Senator Giles, President pro tem., in the chair.

BILLS REPORTED BY COMMITTEE OF THE WHOLE,
yesterday.

READ THIRD TIME AND PASSED.

No. 336 S, an act to amend an act to incorporate the Mutual Life Insurance Co. of the State of Wisconsin.

REFERRED.

No. 240 S, a bill for an act to provide for running connections between railroad companies.

To committee on the judiciary, with instruction to make said bill conform to existing acts concerning consolidation of railroad companies.

No. 102 S, a bill for an act to protect the people against the money power, by limiting the rate of interest.

Substitute reported by committee, adopted.

Senator Proudfit moved to lay on the table until after recess.

Senator Cook demanded the ayes and noes.

Which being ordered, resulted as follows: Ayes 7, Noes 9.

Ayes—Messrs. Chappell, Chase, Giles, Kingston, Proudfit, Wheeler, Worthington—7.

Noes—Messrs. Bean, Bennett, Boyd, Cook, Joiner, Mears, Schulteis, Simpson.

Senate refused to lay on the table.

Senator Kimball moved to amend by striking out the three last lines of section 6, being all after the word "verified."

And demanded the ayes and noes,

Which being ordered, resulted as follows:

Ayes—Messrs. Chappell, Chase, Kimball, Kingston, Proud^r fit, Smith, Wheeler and Worthington—8.

Noes—Messrs. Bennett, Boyd, Clark, Cook, Davis, Giles, Joiner, Mears, Schulteis, Simpson and Sutherland—11.

The amendment was rejected.

On motion of Senator Cook,

Referred to committee on judiciary.

Account of H. H. West,

Referred to committee on claims.

LAI D ON THE TABLE.

No. 244 S., an act to incorporate the Columbia University.

No. 272 S., a bill for an act to amend chapter 6 of the Revised Statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass."

Senator Cook moved to indefinitely postpone.

Senator Chase moved to lay on the table.

The motion prevailed.

Laid on the table.

INDEFINITELY POSTPONED.

No. 36 A., a bill for an act to vacate the village of Richland in the county of Washinnton.

No. 137 A., a bill for an act to incorporate the village of Springfield.

No. 122 S., an act to amend an act, entitled an act to incorporate the Yellow River Improvement Company, approved March 2d, 1857.

No. 283 S., a bill for an act to provide for the purchase of fifty copies of the Supreme Court Reports, and to pay for the same.

Also,

The account of Jermain & Brightman for publishing Annual Reports of State Prison Commissioner was disallowed.

Senator Chase, on leave, submitted the following

REPORT:

The judiciary committee report back bill,

No. 190 A., to repeal section 306 of chapter 120 of the laws of 1856, entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this State.

Without recommendation.

C. S. CHASE.

Senator Bennett moved a suspension of the rules for the purpose of considering,

No. 190 A.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bennett, Boyd, Clark, Davis, Giles, Joiner, Mears, Schulteis, Smith, Sutherland, Wheeler, Worthington—12.

Noes—Messrs. Chappell, Chase, Cook, Kimball, Kingston, Proudfit, Simpson—7.

Two-thirds of the members present not voting in the affirmative, the motion was lost.

Senator Chase moved a reconsideration of the vote last taken, refusing to suspend the rules.

The ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bennett, Boyd, Chappell, Chase, Clark, Davis, Giles, Joiner, Mears, Schulteis, Smith, Sutherland, Worthington—13.

Those voting in the negative were :

Messrs. Cook, Kimball, Kingston, Proudfit, Wheeler—5.

Senator Kimball moved a call of the Senate.

Call was had.

The absentees without leave were Senators Bean, Hanchett Martin, Maxon, Simpson and Warren.

The Sergeant-at-Arms was dispatched for the absentees.

Senator Schulteis moved to dispense with further proceedings under the call.

Senator Kimball demanded the ayes and noes.

Which being ordered resulted as follows :

Ayes—Messrs. Bennett, Boyd, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland, Worthington—12.

Noes—Messrs. Chappell, Chase, Cook, Kimball, Proudfit, Wheeler—6.

The call was suspended.

Senator Kimball moved that the Senate take a recess for an hour.

And demanded the ayes and noes.

Which being ordered, were as follows :

Ayes—Messrs. Chappell, Boyd, Kimball, Proudfit, Sutherland and Wheeler—6.

Noes—Messrs. Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith and Worthington—12.

Not agreed to.

Senator Kimball moved a call of the Senate.

Call was had.

The absentees without leave, were :

Senators Bean, Hanohett, Simpson, Virgin and Warren.

The Sergeant-at Arms was ordered to bring in the absentees.

Senator Clark moved to dispense with further proceedings under the call.

Senator Kimball demanded the ayes and noes.

Which being ordered, resulted as follows ; Ayes—12, Noes—7.

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Joiner, Mears, Schulteis, Smith, Sutherland and Worthington—12.

Noes—Messrs. Chappell, Chase, Cook, Kimball, Kingston, Proudfit and Wheeler—7.

Not agreed to.

Senator Proudfit moved to adjourn.

Senate refused to adjourn.

Senator Schulteis moved to dispense with further proceedings under the call.

The ayes and noes being called for and ordered were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Joiner, Mears, Schulteis, Sutherland—11.

Noes—Messrs. Chappell, Chase, Cook, Kimball, Kingston, Proudfit, Wheeler—7.

Senate refused to suspend call.

Two-thirds not voting in the affirmative.

Senator Cook moved to adjourn.

Senate refused to adjourn.

Senator Worthington, by unanimous consent, introduced the following resolution :

Resolved, That the standing and select committee of investigation are hereby authorized to designate an officer of the Senate to have charge of the Senate Chamber during the recess, and that the said officer be allowed his usual per diem during such recess.

On motion of Senator Sutherland.

Rules suspended.

Senator Cook moved to amend by striking out "an officer" and inserting "the Deputy Sergeant-at-Arms or such other officer as he may appoint."

The amendment was agreed to.

Resolution as amended adopted.

Senator Schulteis moved to adjourn.

Senate refused to adjourn.

Senator Schulteis moved that further proceeding under the call be dispensed with.

The ayes and noes being demanded, those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chappell, Chase, Clark, Davis,

Giles, Joiner, Kingston, Mears, Schulteis, Sutherland and Worthington—14.

Those voting in the negative were

Messrs. Cook, Kimball and Proudfit—3.

Call suspended.

Senator Clark moved the previous question.

Senator Cook demanded the ayes and noes, which being had were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Joiner, Mears, Schulteis, Sutherland and Worthington—11.

Noes—Messrs. Chappell, Chase, Cook, Kimball, Kingston and Proudfit—6.

The previous question was seconded.

Senator Davis moved a call of the Senate.

Call was had.

The absentees without leave were Senators Cook, Hanchett, Kimball, Maxon, Simpson, Smith, Virgin, Warren and Wheeler.

The Sergeant-at-arms was dispatched for the absentees.

Senator Davis moved that further proceedings under the call be dispensed with.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Sutherland, Wheeler and Worthington—14.

Noes—Chappell, Kimball and Proudfit—3.

Call suspended.

The question being, "shall the main question be now put?"

The ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Mears, Schulteis, Sutherland, Wheeler and Worthington—13.

Those voting in the negative were :

Messrs. Chappell, Cook, Kimball, Kingston, Proudfit—5.

The main question was ordered.

Senator Cook moved to adjourn.

The ayes and noes being demanded,

Those voting in the affirmative were:

Ayes—Messrs. Chappell, Clark, Cook, Kimball, Proudfit, Wheeler—6.

Those voting in the negative were:

Noes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland, Worthington—13.

Senate refused to adjourn.

The question being on the motion to suspend the rules.

The ayes and noes being called for and ordered, were as follows:

Ayes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland, Wheeler, Worthington—15.

Noes—Messrs. Chappell, Cook, Kimball, Proudfit—4.

The rules were suspended.

The question being on ordering to a third reading,

The ayes and noes were demanded.

Those voting in the affirmative were:

Ayes—Messrs. Bean, Bennett, Boyd, Clark, Cook, Davis, Giles, Joiner, Mears, Schulteis, Smith, Sutherland, Wheeler, Worthington—14.

Noes—Messrs. Chappell, Chase, Kimball, Kingston, Proudfit—5.

Ordered to third reading.

Senator Cook moved to reconsider the vote last taken.

The ayes and noes being demanded and ordered, the vote was as follows: Ayes 5, Noes 14.

Ayes—Messrs. Chappell, Chase, Cook, Kimball, Proudfit—5.

Noes—Messrs. Bean, Bennett, Boyd, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland, Wheeler, and Worthington—14.

The Senate refused to reconsider.

Senator Cook moved to adjourn.

The ayes and noes being called for and had, were as follows:

Ayes—Messrs. Chappell, Cook, Kimball, Proudfit and Wheeler—5.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Clark, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland and Worthington—14.

Senate refused to adjourn.

Bill read third time.

Senator Kimball moved a call of the Senate.

Call was had.

The absentees without leave were,

Senators Clark, Hanchett, Martin, Maxon, Simpson, and Virgin.

The Sergeant-at-Arms was directed to bring in the absentees.

Senator Bean moved that further proceedings under the call be dispensed with.

The ayes and noes being demanded,

Those voting in the affirmative were,

Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kingston, Mears, Schulteis, Smith, Sutherland, Wheeler and Worthington—14.

Those voting in the negative were,

Messrs. Chappell, Cook, Kimball and Proudfit.

Call suspended.

Senator Cook moved to adjourn.

The chair decided the motion not in order.

Senator Cook appealed from the decision of the chair.

The question being, "shall the decision of the chair stand as the decision of the Senate?"

The ayes and noes being demanded,

Those voting in the affirmative were:

Messrs. Bean, Bennett, Boyd, Chappell, Davis, Joiner, Kingston, Schulteis, Smith, Sutherland and Worthington—11.

Those voting in the negative were :

Messrs. Chase, Cook, Kimball, Proudfit and Wheeler—5.

The decision was sustained.

The question being on the passage of the bill,

The ayes and noes being demanded,

Those voting in the affirmative were :

Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Mears, Schulteis, Smith, Sutherland, Wheeler, Worthington—13.

Those voting in the negative were :

Messrs. Chappell, Cook, Kimball, Kingston, Proudfit—5.

Passed.

Title agreed to.

Senator Kimball moved to adjourn.

The ayes and noes being called for and ordered, were as follows :

Ayes—Messrs. Chase, Kimball, Kingston, Wheeler—4.

Noes—Messrs. Bennett, Boyd, Chappell, Cook, Davis, Giles, Mears, Proudfit, Smith, Sutherland, Worthington—11.

Senate refused to adjourn.

Senator Chase moved that the Senate take a recess for five minutes.

Senator Cook, moved to lay that motion on the table.

The ayes and noes being demanded.

The Senate refused to lay the motion on the table, by the following vote :

Those who voted in the affirmative were :

Messrs. Bennett, Boyd, Cook, Davis, Giles, Kimball, Kingston and Wheeler—8.

Those voting in the negative were :

Messrs. Bean, Chase, Joiner, Mears, Proudfit, Smith, Sutherland and Worthington—8.

The motion was lost.

Senator Chase withdrew his motion for a recess.

Senator Cook renewed the motion.

And demanded the ayes and noes.

Which, being ordered and had, resulted as follows :

Ayes—Messrs. Proudfit and Wheeler—2.

Noes—Messrs. Bean, Bennett, Boyd, Chase, Davis, Giles, Joiner, Kimball, Kingston, Mears, Smith, Sutherland, and Worthington—13.

The motion did not prevail.

Senator Bennett moved that the Senate adjourn.

The motion prevailed.

The President declared the Senate adjourned until 7 1-2 o'clock P. M., Saturday, April 10th, 1858.



